



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***NOVEMBER 17, 2003  
2:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA***

**1. Call to Order--Roll Call.**

The Invocation will be delivered by The Reverend Charles Calloway, Pastor, Maple Street Baptist Church.

The Pledge of Allegiance to the Flag of the United States of America will be led by Mayor Ralph K. Smith.

Welcome. Mayor Smith.

**NOTICE:**

Meetings of Roanoke City Council are televised live on RVTv Channel 3. Today's meeting will be replayed on Channel 3 on Thursday, November 20, 2003, at 7:00 p.m., and Saturday, November 22, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## **ANNOUNCEMENTS:**

**THE PUBLIC IS ADVISED THAT MEMBERS OF COUNCIL RECEIVE THE CITY COUNCIL AGENDA AND RELATED COMMUNICATIONS, REPORTS, ORDINANCES AND RESOLUTIONS, ETC., ON THE THURSDAY PRIOR TO THE COUNCIL MEETING TO PROVIDE SUFFICIENT TIME FOR REVIEW OF INFORMATION. CITIZENS WHO ARE INTERESTED IN OBTAINING A COPY OF ANY ITEM LISTED ON THE AGENDA MAY CONTACT THE CITY CLERK'S OFFICE, ROOM 456, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., OR CALL 853-2541.**

**THE CITY CLERK'S OFFICE NOW PROVIDES THE MAJORITY OF THE CITY COUNCIL AGENDA ON THE INTERNET FOR VIEWING AND RESEARCH PURPOSES. TO ACCESS AGENDA MATERIAL, GO TO THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM), CLICK ON THE ROANOKE CITY COUNCIL ICON, CLICK ON MEETINGS AND AGENDAS, AND DOWNLOAD THE ADOBE ACROBAT SOFTWARE TO ACCESS THE AGENDA.**

**ALL PERSONS WISHING TO ADDRESS COUNCIL ARE REQUESTED TO REGISTER WITH THE STAFF ASSISTANT WHO IS LOCATED AT THE ENTRANCE TO THE COUNCIL CHAMBER. ON THE SAME AGENDA ITEM, ONE TO FOUR SPEAKERS WILL BE ALLOTTED FIVE MINUTES EACH, HOWEVER, IF THERE ARE MORE THAN FOUR SPEAKERS, EACH SPEAKER WILL BE ALLOTTED THREE MINUTES.**

**ANY PERSON WHO IS INTERESTED IN SERVING ON A CITY COUNCIL APPOINTED AUTHORITY, BOARD, COMMISSION OR COMMITTEE IS REQUESTED TO CONTACT THE CITY CLERK'S OFFICE AT 853-2541, OR ACCESS THE CITY'S HOMEPAGE AT [WWW.ROANOKEGOV.COM](http://WWW.ROANOKEGOV.COM), TO OBTAIN AN APPLICATION.**

## **REGULAR SESSION**

### **2. PRESENTATIONS AND ACKNOWLEDGMENTS:**

A resolution recognizing Alphonzo L. Holland, Sr., as the City of Roanoke 2003 Citizen of the Year.

P 10

Presentation of awards for financial reporting achievements.

Proclamation declaring November, 2003 as Home Care and Hospice Month.

P 12

### **3. CONSENT AGENDA**

**ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE BY THE MEMBERS OF CITY COUNCIL AND WILL BE ENACTED BY ONE MOTION. THERE WILL BE NO SEPARATE DISCUSSION OF THE ITEMS. IF DISCUSSION IS DESIRED, THE ITEM WILL BE REMOVED FROM THE CONSENT AGENDA AND CONSIDERED SEPARATELY.**

- C-1 Minutes of the regular meeting of Council held on Monday, October 6, 2003, and recessed until Friday, October 17, 2003; the special meeting held on Wednesday, October 15, 2003; and the regular meeting held on Thursday, October 23, 2003.

P 13;  
P 64;  
P 66

RECOMMENDED ACTION: Dispense with the reading of the minutes and approve as recorded.

- C-2 A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

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RECOMMENDED ACTION: Concur in the request.

- C-3            A communication from S. James Sikkema, Executive Director, Blue Ridge Behavioral Healthcare, recommending concurrence in the reappointment of John M. Hudgins, Jr., as an at-large member of the Blue Ridge Behavioral Healthcare Board of Directors, for a term ending December 31, 2006.

P 107

RECOMMENDED ACTION: Concur in reappointment.

- C-4            A communication from Michael F. Urbanski tendering his resignation as a member of the Virginia Western Community College Board.

P 108

RECOMMENDED ACTION: Accept the resignation and receive and file the communication.

- C-5            A communication from Brian Shepard tendering his resignation as a member of the Parks and Recreation Advisory Board and the Roanoke Valley Greenway Commission.

P 109

RECOMMENDED ACTION: Accept the resignation and receive and file the communication.

- C-6            Qualification of the following persons:

Debbie Conner as a member of the Roanoke Civic Center Commission, for a term ending September 30, 2006;

F. Gordon Hancock as a Director of the Industrial Development Authority of the City of Roanoke, for a term ending October 20, 2006; and

Jon Stephenson as a member of the Architectural Review Board, for a term ending October 1, 2007.

RECOMMENDED ACTION: Receive and file.

## **REGULAR AGENDA**

### **4. PUBLIC HEARINGS: NONE.**



## 5. PETITIONS AND COMMUNICATIONS:

- a. Request of College Evangelical Lutheran Church to address Council with regard to installation of a septic system on property located on Manning Road, N. E. Paul R. Dotson, Spokesperson. (Sponsored by Vice-Mayor Harris and Council Member Dowe.)

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## 6. REPORTS OF OFFICERS:

- a. CITY MANAGER:

BRIEFINGS: None.

### ITEMS RECOMMENDED FOR ACTION:

1. Adoption of a policy for disposition of City-owned surplus tangible personal property.
2. Execution of an agreement with Total Action Against Poverty in Roanoke Valley, Inc., to renovate and equip the Dumas Center for Artistic Development.
3. Execution of an amendment to the contract with Hayes, Seay, Mattern & Mattern, Inc., in the amount of \$31,212.00, in connection with the Roanoke River Flood Reduction Utility Relocation Project.

P 113;  
R 115

P 117;  
O 119

P 120;  
R 122

## 7. REPORTS OF COMMITTEES:

- a. A report of the Legislative Committee transmitting the proposed 2004 Legislative Program. Council Member William D. Bestpitch, Chair.
- b. A report from the Roanoke City School Board requesting appropriation and transfer of funds to various school accounts; and a report of the Director of Finance recommending that Council concur in the request. Richard L. Kelley, Assistant Superintendent of Operations, Spokesperson.

P 123;  
R 138

P 139;  
B/O 141

- c. A report from the Roanoke City School Board requesting approval of State Literary Fund loan applications for improvements to Westside Elementary School, in the amount of \$3.1 million; and to Fallon Park Elementary School, in the amount of \$1.6 million; and a report of the Director of Finance recommending that Council concur in the requests. Richard L. Kelley, Assistant Superintendent of Operations, Spokesperson.

P 143;  
R 150;  
R 151;  
R 152;  
R 153

**8. UNFINISHED BUSINESS: NONE.**

**9. INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.**

**10. MOTIONS AND MISCELLANEOUS BUSINESS:**

- a. Inquiries and/or comments by the Mayor, Vice-Mayor and Members of City Council.
- b. Vacancies on certain authorities, boards, commissions and committees appointed by Council.

**11. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**12. CITY MANAGER COMMENTS:**

**CERTIFICATION OF CLOSED SESSION.**

**THE COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL 7:00 P.M., IN THE CITY COUNCIL CHAMBER.**



***ROANOKE CITY COUNCIL  
REGULAR SESSION***

***NOVEMBER 17, 2003  
7:00 P.M.***

***CITY COUNCIL CHAMBER***

***AGENDA***

**Call to Order -- Roll Call.**

The Invocation will be delivered by Vice-Mayor C. Nelson Harris.

The Pledge of Allegiance to the Flag of the United States of America will be led by Boy Scout Troop No. 210, South Roanoke United Methodist Church.

Welcome. Mayor Ralph K. Smith.

**NOTICE:**

The Council meeting will be televised live by RVTv Channel 3 to be replayed on Thursday, November 20, 2003, at 7:00 p.m., and Saturday, November 22, 2003, at 4:00 p.m. Council meetings are now being offered with closed captioning for the hearing impaired.

## **A. PUBLIC HEARINGS:**

1. Request of Robert E. Zimmerman that Rorer Avenue, S. W., between 9<sup>th</sup> and 10<sup>th</sup> Streets, and two alleys running in a northerly direction from Rorer Avenue, located between parcels bearing Official Tax Nos. 1112102, 1112103, 1112104, 1112107, 1112108, 1112109 and 1112110, be permanently vacated, discontinued and closed. Roy V. Creasy, Attorney. P 154;  
O 163
2. Proposed amendment to Vision 2001-2020, the City's Comprehensive Plan, to include the Harrison-Washington Park Neighborhood Plan. R. Brian Townsend, Agent, City Planning Commission. P 167;  
O 200
3. Proposed conveyance of a 30-foot easement on City-owned property located near Tinker Creek, S. E., Official Tax No. 4321020, to Plantation Pipeline Company, to relocate an existing valve onto City property. Darlene L. Burcham, City Manager. P 202;  
O 205

## **B. HEARING OF CITIZENS UPON PUBLIC MATTERS:**

**CITY COUNCIL SETS THIS TIME AS A PRIORITY FOR CITIZENS TO BE HEARD. MATTERS REQUIRING REFERRAL TO THE CITY MANAGER WILL BE REFERRED IMMEDIATELY FOR RESPONSE, RECOMMENDATION OR REPORT TO COUNCIL.**

**THE COUNCIL MEETING WILL BE DECLARED IN RECESS UNTIL WEDNESDAY, NOVEMBER 19, 2003, AT 9:30 A.M., IN THE EMERGENCY OPERATIONS CENTER CONFERENCE ROOM, ROOM 159, NOEL C. TAYLOR MUNICIPAL BUILDING, 215 CHURCH AVENUE, S. W., FOR A JOINT MEETING OF ROANOKE CITY COUNCIL AND THE ROANOKE COUNTY BOARD OF SUPERVISORS, TO CONTINUE DISCUSSIONS REGARDING THE PROPOSED WESTERN VIRGINIA WATER AUTHORITY.**

**MOTION AND CERTIFICATION  
WITH RESPECT TO  
CLOSED MEETING**

**FORM OF MOTION:**

I move, with respect to any Closed Meeting just concluded, that each member of City Council in attendance certify to the best of his or her knowledge that (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by the members of Council in attendance.

**PLEASE NOTE:**

1. The forgoing motion shall be made in open session at the conclusion of each Closed Meeting.
2. Roll call vote included in Council's minutes is required.
3. Any member who believes there was a departure from the requirements of subdivisions (1) and (2) of the motion shall state prior to the vote the substance of the departure that, in his or her judgement, has taken place. The statement shall be recorded in the minutes of City Council.

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IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION naming Alphonzo L. Holland, Sr., as Roanoke's Citizen of the Year for the year 2003.

WHEREAS, Mr. Holland, a native of Roanoke, Virginia, graduated from Lucy Addison High School, attended Hampton Institute and studied at La Salle University and the Philippines Golden State College;

WHEREAS, Mr. Holland was employed by Norfolk & Western in 1938, and, between tours of military duty, worked as a freight handler, custodian, and assistant tariff supervisor until he retired in 1985;

WHEREAS, Mr. Holland served in the U.S. Army, including tours of duty during World War II, and the Korean War, and with his service in the Army Reserves until 1976, had dedicated thirty years to the service of his country;

WHEREAS, Mr. Holland has been a member of the Executive Board of the National D-Day Memorial Foundation, Central YMCA, WBRA-TV Advisory Committee, American Red Cross of Roanoke, Virginia Transportation Museum, National Council of Community Justice, and Roanoke Valley Race Relations Committee, and Rebuilding Together With Christmas in April;

WHEREAS, Mr. Holland has been a member and past president of Big Brothers/Sisters Organization, League of Older Americans, the Roanoke Branch of the NAACP, past Regional Vice Chairman, NAACP, and YMCA Family Center;

WHEREAS, Mr. Holland has volunteered his services to Lucy Addison Middle School and the Harrison Museum and, as an active member High Street Baptist Church, served as a

member of its Board of Trustees for 51 years, its Brotherhood Ministry, and its Senior and Cathedral Choirs and Men's Chorus;

WHEREAS, Mr. Holland is a life member of Delta Nu Alpha Transportation Fraternity, and was the first and only African-American to hold the office of president in this organization;

WHEREAS, Mr. Holland is a member of the F&AAYM Masons, Sahara Desert; and a life member of the VFW, American Legion Post 1444; and

WHEREAS, Mr. Holland continues—even at age 86—to volunteer as much as 50 hours a week to help in all areas throughout the Roanoke Valley in order to make a better place for all to live.

THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke that Alphonzo L. Holland, Sr., be named Citizen of the Year for the year 2003 in the City of Roanoke, Virginia.

ATTEST:

City Clerk

Office of the Mayor

CITY OF  ROANOKE

# Proclamation

**WHEREAS,** home care and hospice providers in the Roanoke Valley have demonstrated a long-standing commitment to delivering cost-effective, humane and high quality health services to persons of all ages in their places of residence; and

**WHEREAS,** hospice and home care allows patients to receive care in familiar surroundings with loved ones close by; it promotes dignity and independence and enhances quality of life; and

**WHEREAS,** home care services are available to people of all ages, from newborns to the elderly, including technologically sophisticated care, personal care, and assistance with activities of daily living; and

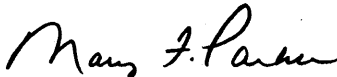
**WHEREAS,** throughout the year, home care, hospice providers, and providers of related products and services selflessly care for numerous patients in the community.

**NOW, THEREFORE, I, Ralph K. Smith, Mayor of the City of Roanoke, Virginia,** encourage the support and participation of all citizens in learning more about home and hospice care, and do hereby proclaim November, 2003, throughout this great All-America City, as

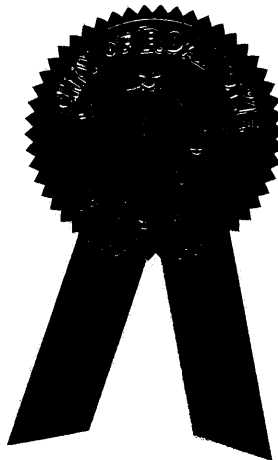
**HOME CARE AND HOSPICE MONTH.**

Given under our hands and the Seal of the City of Roanoke this seventeenth day of November in the year two thousand and three.

ATTEST:



Mary F. Parker  
City Clerk



Ralph K. Smith  
Mayor



**REGULAR WEEKLY SESSION-----ROANOKE CITY COUNCIL**

**October 6, 2003**

**9:00 a.m.**

The Council of the City of Roanoke met in regular session on Monday, October 6, 2003, at 9:00 a.m., the regular meeting hour, in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended; and pursuant to Resolution No. 36193-010603 adopted on January 6, 2003, which changed the time of commencement of the regular meeting of Council to be held on the first Monday in each month from 12:15 p.m. to 9:00 a.m.

**PRESENT: Council Members C. Nelson Harris, William D. Bestpitch, M. Rupert Cutler, and Mayor Ralph K. Smith-----4.**

**ABSENT: Council Members Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., and Linda F. Wyatt-----3.**

**OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.**

**COMMITTEES-CITY COUNCIL: A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.**

**Mr. Harris moved that Council concur in the request of the Mayor to convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended. The motion was seconded by Mr. Cutler and adopted by the following vote:**

**AYES: Council Members Harris, Bestpitch, Cutler and Mayor Smith-----4.**

**NAYS: None-----0.**

**(Council Members Wyatt, Dowe and Fitzpatrick were out of the Conference Room when the vote was recorded.)**

**CITY ATTORNEY-CITY COUNCIL: A communication from the City Attorney requesting that Council convene in a Closed Meeting to consult with legal counsel on a specific legal matter requiring the provision of legal advice by counsel, pursuant to Section 2.2-3711 (A)(7), Code of Virginia (1950), as amended, was before the body.**

**Mr. Harris moved that Council concur in the request of the City Attorney to convene in a Closed Meeting as above described. The motion was seconded by Mr. Cutler and adopted by the following vote:**

**AYES: Council Members Harris, Bestpitch, Cutler and Mayor Smith-----4.**

**NAYS: None-----0.**

**(Council Members Wyatt, Dowe and Fitzpatrick were out of the Conference Room when the vote was recorded.)**

**CITY COUNCIL-HOUSING/AUTHORITY: A joint meeting of Council and the Roanoke Redevelopment and Housing Authority was called to order at 9:05 a.m., in Room 159, Noel C. Taylor Municipal Building, with Mayor Smith and Chairman Fink presiding, and all Members of the Council in attendance.**

**ROANOKE REDEVELOPMENT AND HOUSING AUTHORITY COMMISSIONERS PRESENT: Carolyn M. Bumbry, James W. Burks, Jr., Gregory W. Feldman, Christie Meredith-Wills, Joseph F. Lynn and Chairman Ben J. Fink.**

**ABSENT: Commissioner H. Victor Gilchrist.**

**OTHERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Mary F. Parker, City Clerk; Rolanda B. Russell, Assistant City Manager for Community Development; George C. Snead, Jr., Assistant City Manager for Operations; John P. Baker, Executive Director, and Sue Marie Worline, Secretary, Roanoke Redevelopment and Housing Authority (RRHA); and John Grove, Attorney, representing the RRHA.**

**HOUSING/AUTHORITY:** The Mayor welcomed Housing Authority Commissioners and staff to the meeting.

Chairman Fink reviewed the following draft Statement of Purpose and Expectations for the City of Roanoke and the Roanoke Redevelopment and Housing Authority.

**“The Roanoke Redevelopment and Housing Authority is uniquely empowered by the Code of Virginia and is charged with three primary responsibilities:**

- (1) Maintenance of 1,328 units of public housing in nine developments to serve economically disadvantaged citizens in the City of Roanoke.**
- (2) Administration of 1,321 Section 8 rental housing vouchers to assist economically disadvantaged citizens in the City of Roanoke.**
- (3) Utilization of redevelopment and rehabilitation powers to assist the City of Roanoke in major economic development and neighborhood revitalization initiatives.**
- (4) As constituted by State law, the relationship between the City and the RRHA is unique among all other organizations in the community. City Council created the RRHA and appoints the Board of Commissioners for four year terms of office. For redevelopment and revitalization projects, the City sets policy and direction and the RRHA implements the programs and projects of the City. For public housing and Section 8, RRHA is heavily regulated by HUD policies and guidelines in the fulfillment of its responsibilities.**
- (5) A strong partnership between the City and the RRHA is essential to the success of the overall mission of both the unique powers and roles, which, combined in a working partnership, provide the greatest opportunity for addressing the challenging issues facing Roanoke today. Recognizing the importance of meaningful partnerships, the RRHA has founded Case Management Roanoke Valley Consortium (CMRV Consortium), with the mission to coordinate case management functions**

among all community organizations, and to create an integrated system for intake, referral, and assessment to be used by all service providers. In addition, the RRHA is in the process of founding a consortium to coordinate all housing-related initiatives in the City in order to minimize duplication and maximize efficiency.

- (6) In order to keep purposes and activities of each aligned, City Council will establish policy that can be used as guidelines by the Board of Commissioners. Recognizing a responsibility to its appointing entity, the Board of Commissioners will keep City Council fully informed on issues of mutual interest. The Executive Director of the RRHA works closely with the City Manager, and the respective staffs of the City and the RRHA form an effective team in carrying out the day-to-day operations that make the partnership effective.”

Chairman Fink called attention to \$23 million of unmet needs and the RRHA is facing cuts from HUD which will require the organization to focus on high priority needs.

He stated that the RRHA would like to:

- Ensure that housing units meet curb appeal.
- Look at going beyond the City limits so as not to concentrate public housing solely in the City of Roanoke.
- Review mixed financing projects, which could be market rate housing as well as low income housing.
- Improve the overall quality of public housing.
- If there are future HOPE VI funds, the RRHA would like to work with the City to use the funds in a manner that make the greatest impact on the City.
- RRHA would like to continue the philosophy of serving as a leader in working with other agencies to bring services to residents of low rent housing.

- In reference to Section 8 housing, the RRHA would like to increase services to residents through a philosophy of self-sufficiency.
- The RRHA would like to use Section 8 program funds by helping homeowners to revitalize neighborhoods through home improvements without increasing rent.
- The RRHA would like to continue to implement redevelopment programs requested by Council and to assist the City in identifying plans for new redevelopment areas in the future.
- The RRHA would like to work with Total Action Against Poverty and other area jurisdictions on Section 8 housing vouchers so that the City of Roanoke does not become concentrated with the Section 8 program.
- Council appoints the RRHA Board of Commissioners and there should be a better integration within City agencies in order to partner with the City of Roanoke on housing issues/initiatives.
- The Board and staff of the RRHA support the City's policy of targeting funds to revitalize neighborhoods and wishes to continue providing affordable financing and grants to property owners to make substantial improvements and to provide for neighborhood diversity.
- To look at market rate housing to help revitalize neighborhoods.
- To work with City staff to identify opportunities both within and outside the City.

Chairman Fink proposed that an ad hoc committee composed of two Members of City Council and two Commissioners of the Roanoke Redevelopment and Housing Authority be appointed to draft a statement of policy for consideration by Council and the Housing Authority.

Chairman Fink was requested to highlight any changes that the proposed statement of policy would represent over the present relationship between the City and the Housing Authority; whereupon, he advised that the policy would be a recognition that the Housing Authority is not like other public entities because it is

established by State law and the Board of Commissioners is appointed by City Council. He stated that there have been instances when the Housing Authority believed that it was treated like a nonprofit entity, such as Blue Ridge Housing Network, etc.; and the Housing Authority is entrusted with unique powers that should be recognized and integrated in a better way by the staff of both the City and the Housing Authority. He added that there have also been instances when the Housing Authority was not aware of City policy or programs that affect its operation, therefore, a closer working relationship would be advantageous.

Upon question, Chairman Fink advised that relocating the RRHA administrative office in the Municipal Building complex has been discussed by the Executive Director and the City Manager, and it has been suggested that a satellite office be established, which will be addressed in the City's space needs report.

Vice-Mayor Harris, Council's liaison to the RRHA, called attention to monthly breakfast meetings in which he, along with the Chair, Executive Director of the Housing Authority, the City Manager, and one Member of City Council and one Housing Authority Commissioner participate on a rotating basis. He advised that all Members of Council and all Commissioners of the Housing Authority have been rotated in on at least one occasion over the past year, and he is open to suggestions if the Council, or the Board of Commissioners would prefer to transact business in a different manner.

He advised that over a year ago, the Housing Authority Board of Commissioners expressed a desire to move beyond the traditional role that the Board has been accustomed to playing in the community which has been three-fold: (1) as managers of public housing, (2) as managers of Section 8 rental housing and (3) as the arm that acquires land for the purposes of the City, and specifically economic development. He explained that as the City and the Council became more engaged in neighborhood redevelopment and housing issues, the Housing Authority was of the opinion that it could bring to the table certain expertise, staff and knowledge and a partnership with the City; and the matter has been a specific topic of conversation at monthly breakfast meetings and in individual discussions. Therefore, as Council's liaison to the RRHA, he stated that it is important to address the matter in a joint session of the Council and the Board of Commissioners; and it has been his impression that the majority of Council has responded in a positive manner to exploring, defining and developing a new and more engaged role for the Housing Authority as it relates to the City's housing efforts beyond Section 8 or public housing. He affirmed the suggestion of Chairman Fink to move the discussion to the next level which is to explore a joint policy statement in reference to the new role of the RRHA.

**Mr. Harris moved that Council appoint two Members of City Council and that the Housing Authority appoint two members of the Board of Commissioners to develop a statement of purpose and to report back to the Council and to the Board of Commissioners in the near future. The motion was seconded by Mr. Cutler.**

**Mr. Fitzpatrick advised that in the past the RRHA has been treated like a “step child” by the City, which is not an appropriate role, therefore, it is important to agree on a memorandum of understanding. He stated that the Housing Authority should be a full partner with the City and the two entities should explore avenues that have not been used to this point insofar as the ability of the RRHA to accomplish certain projects. He called attention to the opportunity for regionalism because most communities in southwest Virginia do not have Redevelopment and Housing Authorities and income could be created by providing those kinds of services to governments that request assistance. He stated that there is a tremendous opportunity to enhance the City of Roanoke as the center of southwestern Virginia; therefore, he encouraged Council to adopt the motion and offered to serve on the ad hoc committee.**

**Question was raised as to whether the RRHA has approached other jurisdictions in regard to expanding the role of the Housing Authority in a regional context; whereupon, Chairman Fink advised that the Housing Authority is working with the Roanoke Regional Housing Network, the Executive Director has discussed housing opportunities with college officials in southwestern Virginia, and avenues of cooperation are being explored with other jurisdictions.**

**In reporting back, Mr. Bestpitch asked that the ad hoc committee provide specific recommendations and suggestions regarding better integration and partnership between the City and the RRHA.**

**The motion was unanimously adopted.**

**At this point, Council Member Wyatt left the meeting.**

**In regard to Section 8 housing vouchers, it was reported that Roanoke County holds 83 housing vouchers, 80 of which represent housing units in the City of Roanoke.**

**There was discussion in regard to whether there is a method for monitoring the progress of persons living in subsidized housing; whereupon, the Executive Director advised that the Housing Authority currently uses a measurement matrix that identifies the status of the family from crisis to self-sufficiency.**

The Mayor requested a comparative analysis of Section 8 housing vouchers of other localities, which could be used as a benchmark in analyzing Roanoke's progress, including the status of the localities five years ago compared to the present time; whereupon, the Executive Director advised that the information will be compiled.

Council Member Cutler called attention to proposed plans to move a major portion of the operations of the Harrison Museum to the former Dumas Hotel and, as a community, Roanoke should be concerned about the Harrison School Building and the Harrison community; therefore, the matter should be on the radar screen of the appropriate entity.

Chairman Fink presented an activities report on RRHA projects dated October, 2003.

(For full text, see report on file in the City Clerk's Office.)

The City Manager advised that today's discussion is due in large measure to the City's creation of a Department of Housing and Neighborhood Services approximately two years ago; prior to that time, there was no concentrated effort to address housing and neighborhood issues in the City of Roanoke and both the Council and the City Administration recognized that housing is a key economic development tool for the community. She added that significant steps have been taken to focus attention on the issue of housing of all types and descriptions, of all economic levels and to address the key role that the private sector should play in the development of housing in the community. She added that the fact that the City made the acknowledgment of housing is one of the reasons that the current discussion is taking place, because prior to that time housing was seen as a responsibility, from the public's standpoint, of the RRHA, and certain nonprofit organizations throughout the community had varying roles in the development of housing. She noted that the community has spent exclusive time looking at the issue of low and moderate income housing and not at housing in general; currently, she is a member of the Governor's Task Force on Urban Policy and, at a recent meeting, a significant amount of time was devoted to the issue of housing in older urban communities throughout the State of Virginia. She explained that some localities will request State Code changes in regard to urban policy, i.e.: (1) to allow new construction in order for neighborhoods to receive tax abatement which is not currently allowed under the Dillon Rule, (2) to allow tax credits for market rate and upper market rate housing, as opposed to tax credits exclusively for low and moderate income housing, with the idea of mixed use development where there would be market rate and low income housing in the same project, and (3) a regional focus on housing and housing issues, because in today's world there are no incentives to promote or discuss regional housing activity. She advised that it is her



personal opinion that State law and a legislative change will be required to encourage or to incentivize a regional approach to housing. She stated that 71 per cent of housing in the City of Roanoke is valued at less than \$100,000.00, the average or median price of a house in the year 2000 in the City of Roanoke was in the range of \$80,000.00; the City of Roanoke has the second lowest median average of the urban areas for housing, with the City of Petersburg being the lowest; those are issues that will not be addressed through programs like Section 8, public housing, or lease/purchase, all of which are directed toward low and moderate income persons; and Roanoke will have to initiate programs, or lobby for programs, that provide the opportunity to produce market rate and above housing in the City of Roanoke. She stated that as officials embark upon either a different kind of working relationship with the RRHA, or a different working relationship generally around housing, resources will not be available at the Federal and/or State level to jump start those kinds of activities, and will most likely require General Fund appropriation. She advised that she is hopeful that the private sector will get on the band wagon when they can be convinced that market rate housing is acceptable within the City of Roanoke, because unfortunately Roanoke has earned the reputation over time that it is not a suitable location for market rate or above housing, and developers look to the City of Roanoke as the situs for low and moderate income housing. She stated that Roanoke deserves better, the community deserves and wants better, and additional resources are needed to make any and all of those things happen. She advised that the City of Roanoke has a staff that is committed to working on these issues, but with limited resource allocations, the City must be prudent with regard to future investments.

Relative to previous comments of Chairman Fink that the RRHA does not believe that it has been involved with City programs and policy, she reminded Council that the City of Roanoke is about to enter into a contractual arrangement for preparation of a housing plan in which housing stock will be identified, along with advantages and disadvantages of the City's housing stock, and actions that need to be taken from a strategic standpoint to modify housing needs and resources within the City. She explained that the study will take approximately one year to complete and the Housing Authority and others, particularly the real estate community, will be involved in the study.

There being no further business, at 10:10 a.m., the Mayor declared the Council meeting in recess, and advised that Council would convene in Closed Session in the Council's Conference Room to conduct interviews for vacancies on the Architectural Review Board and the Industrial Development Authority.

At 11:30 a.m., the Council's work session reconvened in Room 159 of the Noel C. Taylor Municipal Building.

**ITEMS LISTED ON THE 2:00 P.M. COUNCIL DOCKET REQUIRING DISCUSSION/CLARIFICATION; AND ADDITIONS/DELETIONS TO THE 2:00 P.M. DOCKET:**

The City Manager advised that Dr. Cutler had raised a question in regard to the Regional Wastewater Collection and Treatment Contract with area jurisdictions; whereupon, she stated that one subdivision is currently being served by Montgomery County. She stated that sludge programs cost the City of Roanoke approximately \$1 million per year, and pursuant to contractual arrangements, bio-solids are spread on farmlands at the request of farmers at no charge. She advised that the Director of Utilities will provide more detailed information.

The City Manager advised that the Mayor also raised a question with regard to acceptance of Office of Domestic Preparedness Homeland Security Grant funds; whereupon, she provided a list of items on which funds totaling \$246,434.00 are proposed to be spent.

Council Member Cutler referred to the Regional Wastewater Collection and Treatment Contract with area jurisdictions and inquired if the City Manager foresees a situation in the future where a comparable contract will be needed for storm water management. The City Manager advised that Roanoke City is receiving storm water at the present time and referred to general discussions among her counterparts about the need, once all of the storm water management plans are developed, to discuss implementation of a user fee and the pooling of the user fee for capital projects which would minimize the amount of storm water run off. With the support of other regional partners, she stated that storm water is a category that could be added to the Water/Waste Water Authority.

Mr. Bestpitch requested further elaboration on continuation of the position of Restricted Eligibility Worker; whereupon, the City Manager advised that any time the City accepts a grant, action by Council is required. She explained that the agreement has been in place since 1994, the item on today's agenda is an annual renewal, the \$36,000.00 represents the cost of the employee plus benefits on the condition that the Eligibility Worker will be stationed at the State Health Department. She stated that the position is available only so long as funding sources are available.

Mr. Bestpitch inquired, if funding is decreased or discontinued by the State and there continues to be a need for the position, is the Restricted Eligibility Worker position one more State funded position that the City of Roanoke will be expected to fund.

The City Manager advised that persons will be required to come from the Health Department to the City's main location to apply for service and in that process, some people will fall to the way side; and having the Eligibility Worker on site will increase the number of applications and the likelihood that those persons will be eligible for assistance. She explained that if the Eligibility Worker position is not available at the Health Department site, a portion of the work will be shifted back to the main staff, which will increase the work load for remaining staff.

With regard to acceptance of Office of Domestic Preparedness State Homeland Security grant funds, in the amount of \$246,434.00, the Mayor inquired about funding for an item referred to as Reverse 911; whereupon, the City Manager advised that Reverse 911 allows for calls containing a specific message to be placed to every citizen in a certain area of the City, or potentially to the entire City, if necessary. She explained that Reverse 911 is an automated message service and the City would have to purchase the required software.

Question was raised with regard to the police command vehicle which is proposed to be purchased with Homeland Security Grant funds; whereupon, the City Manager advised that most communities maintain a command vehicle for major incidents in order to provide the necessary equipment to monitor an emergency situation. She explained that the command vehicle will be located at the scene of the incident and will be equipped with direct communication to radio and other equipment, such as fax machines, computers, etc., which means that resources can be deployed to an event on site.

Council Member Fitzpatrick presented information on the City's branding effort. He advised that a considerable amount of work has taken place, including a trip to Portland, Maine, to observe how that locality has used its branding initiatives. He explained that the initial concept was to devise a regional sense of direction, numerous meetings were held, and a Steering Committee was appointed composed of representatives of Economic Development, the Roanoke Arts Council, the Roanoke Valley Convention and Visitors Bureau, private business owners, The Regional Alliance, City Planning and Development staff, Members of Council, the City Manager's Office and Roanoke City Public Schools. He stated that Landor Associates was employed to prepare the study which involved the engagement of focus groups, and man-on-the-street interviews in an effort to compile a specific set of recommendations for Roanoke. He explained that long term, branding is not considered to be a logo, but an image and a sense of direction for persons not only in the City of Roanoke and the Roanoke Valley, but more importantly outside of the area in order to look at Roanoke and to get a sense and feel of what Roanoke is about. He advised that branding may be one of the most important business issues of the City because the City has never had a marketing sense of direction, or an image that is designed specifically to target Roanoke. He stated that the purpose of the briefing was to share with Council the initial finality of the branding process

**and City staff recommends that the design be worn on a polo shirt by City staff serving as volunteers at the Virginia Municipal League Annual Conference Host City Night on Monday, October 20, in an effort to gauge the reaction of Roanoke's guests to the proposed image.**

**Mr. Fitzpatrick read the following positioning statement:**

**"In a world where cities often feel loud and overcrowded and as hard as the concrete they're built upon, the City of Roanoke offers something unique - unexpected balance. Roanoke has the amenities that you'd expect from a dynamic urban center, without losing the charming feeling of a smaller place. Roanoke is a city that encourages you to make things happen, because it's big enough to provide multiple opportunities but small enough so you can make an impact. And the natural beauty that many cities lack has not been lost in Roanoke with the beautiful Blue Ridge Mountains visible from most every city street."**

**Mr. Fitzpatrick read the following definition:**

**"The Roanoke logo visually expresses the soaring spirit of optimism that defines the city. The colors are a balance between urban sophistication and friendly charm.**

**The mountain, made up of three individual and unique shapes, illustrates the balance and stability of the city. The gray portion represents the dynamic urban culture while the green is reminiscent of the charming neighborhoods and surrounding natural beauty. The cap of blue symbolizes the Blue Ridge Mountains that can be seen from almost every street in the city.**

**The central star is derived from the well-loved icon atop Mill Mountain. The star embodies the heritage spirit of the city. The dynamic rays of light illustrate the energy of exciting new ideas and the ability to make things happen."**

**Council Member Fitzpatrick displayed a poster board of the proposed image and advised that there are many ways in which it can be implemented; and the image is not intended to replace the City Seal, or to be a logo, but the design is intended to be a sense or image of what Roanoke is about.**

On a regional basis, the City Manager advised that the Roanoke region is not working on an image, but a name for the region, and two images are currently being tested on businesses and residents. She stated that concentration is on identifying a name for the region that does not include "Roanoke".

Discussion centered around the fact that when Council appropriated \$300,000.00 for the branding effort, there was to be a visual component and a marketing component that would address Roanoke's assets and strengths and how to market those components, in addition to economic development marketing, tourism marketing and marketing Roanoke as a community, etc.

Mr. Fitzpatrick explained that his presentation is the initial piece of the presentation and more information is yet to come; however, the visual piece becomes the cornerstone of the entire program.

It was the consensus of Council to authorize the image to be worn on a polo shirt during the Virginia Municipal League Annual Conference Host City Night on Monday, October 20, 2003.

The City Manager advised that information will be provided to Council with regard to locations where Roanoke's proposed branding image has already been tested.

At 12:35 p.m., the meeting was declared in recess until 2:00 p.m., in the City Council Chamber.

At 2:00 p.m., on Monday, October 6, 2003, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Smith presiding.

**PRESENT:** Council Members C. Nelson Harris, Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., and Mayor Ralph K. Smith-----6.

**ABSENT:** Council Member Beverly T. Fitzpatrick, Jr.-----1.

**OFFICERS PRESENT:** Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.

The meeting was opened with a prayer by The Reverend Ken Atkins, Pastor, West End Presbyterian Church.

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

**PRESENTATIONS AND ACKNOWLEDGMENTS:**

**PROCLAMATIONS-ARTS COUNCIL OF THE BLUE RIDGE:** The Mayor presented a proclamation declaring the month of October 2003 as National Arts and Humanities Month.

**PROCLAMATIONS-POLICE DEPARTMENT:** The Mayor presented a proclamation declaring the month of October 2003 as Crime Prevention Month.

**PROCLAMATIONS-LIBRARIES:** The Mayor presented a proclamation declaring the month of October 2003 as Family History Month, and Saturday, October 18, 2003, as Family History Celebration Day.

**PROCLAMATIONS-FIRE DEPARTMENT:** The Mayor presented a proclamation declaring October 5 - 11, 2003, as Fire Prevention Week.

**PROCLAMATIONS-HEALTH DEPARTMENT:** The Mayor presented a proclamation declaring October 5 - 11, 2003, as Mental Illness Awareness Week.

**PROCLAMATIONS:** The Mayor presented a proclamation declaring October 19 - 25, 2003, as Building Character Week.

**CONSENT AGENDA**

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion is desired, the item will be removed from the Consent Agenda and considered separately.

Item C-4, a communication from the Honorable David C. Anderson, Treasurer, advising of his retirement, effective December 31, 2003, was removed from the Consent Agenda for separate discussion.

**MINUTES:** Minutes of the regular meetings of Council held on Monday, August 4, 2003; Monday, August 18, 2003, and recessed until Friday, August 22, 2003, were before the body.

Mr. Harris moved that Council dispense with the reading of the minutes and that the minutes be approved as recorded. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----6.

NAYS:-----0.

(Council Member Fitzpatrick was absent.)

**EASEMENTS-PARKS AND RECREATION-CITY PROPERTY:** A communication from the City Manager requesting that Council schedule a public hearing for Thursday, October 23, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to conveyance of an easement on City-owned property located in Jackson Park, was before the body.

Mr. Harris moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

**CITY PROPERTY:** A communication from the City Manager requesting that Council schedule a public hearing for Thursday, October 23, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, with regard to leasing 7.05 acres of City-owned property located near Back Creek in Roanoke County for agricultural purposes, was before the body.

Mr. Harris moved that Council concur in the request of the City Manager. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

**PARKS AND RECREATION-COMMITTEES:** A communication from Steven C. Buschor, Director, Parks and Recreation, advising of the resignation of The Reverend David Walton as a member of the Parks and Recreation Advisory Board, was before the body.

Mr. Harris moved that the communication be received and filed and that the resignation be accepted. The motion was seconded by Mr. Cutler and adopted by the following vote:

**AYES:** Council Members Harris, Wyatt Bestpitch, Cutler, Dowe, and Mayor Smith-----6.

**NAYS:** None-----0.

(Council Member Fitzpatrick was absent.)

**PARKS AND RECREATION-COMMITTEES:** A communication from Steven C. Buschor, Director, Parks and Recreation, advising of the resignation of Onzlee Ware as a member of the Parks and Recreation Advisory Board, was before the body.

Mr. Harris moved that the communication be received and filed and that the resignation be accepted. The motion was seconded by Mr. Cutler and adopted by the following vote:

**AYES:** Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----6.

**NAYS:** None-----0.

(Council Member Fitzpatrick was absent.)

**COMMITTEES-PERSONNEL DEPARTMENT-SCHOOLS-YOUTH:** A report of qualification of the following persons was before Council.

Edward C. Bradley as a member of the Personnel and Employment Practices Commission, for a term ending June 30, 2006;

Michael F. Urbanski and Joseph B. Wright as members of the Virginia Western Community College, Board of Directors, for terms ending June 30, 2007; and

Cheryl D. Evans as a member of the Youth Services Citizen Board, for a term ending March 31, 2006.



Mr. Harris moved that the report of qualification be received and filed. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

### REGULAR AGENDA

**CITY TREASURER:** A communication from the Honorable David C. Anderson, City Treasurer, advising of his retirement effective December 31, 2003, was before Council.

Vice-Mayor Harris commended Mr. Anderson for his service to the City of Roanoke and moved that the notice of retirement be received and filed. The motion was seconded by Mr. Cutler and adopted.

### **PUBLIC HEARINGS:**

**BONDS/BOND ISSUES-SCHOOLS:** Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, October 6, 2003, at 2:00 p.m., or as soon thereafter as the matter may be heard, in connection with approval by the City of Roanoke of general obligation bond, or bonds, in an amount estimated not to exceed \$5 million, for the purpose of financing replacement of the existing school building at the Roanoke Academy for Mathematics and Science, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Thursday, September 18, 2003 and Thursday, September 25, 2003; and in *The Roanoke Tribune* on Thursday, September 25, 2003.

Mr. Dowe offered the following resolution:

(#36502-100603) A RESOLUTION authorizing the issuance of not to exceed \$5,000,000 General Obligation School Bonds, Series 2003-A, of the City of Roanoke Virginia, to be sold to the Virginia Public School Authority and providing for the form and details thereof.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Dowe moved the adoption of Resolution No. 36502-100603. The motion was seconded by Mr. Harris.

The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing.

There being none, he declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 36502-100603 was adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

**FRANCHISES-CABLE TELEVISION:** Pursuant to instructions by Council, the City Clerk having advertised a public hearing for Monday, October 6, 2003, at 2:00 p.m., or as soon thereafter as the matter may be heard, on the adoption of a revised Cable Television Franchise Ordinance, and an ordinance approving and authorizing execution of a 15 year renewal of the Cable Television Franchise Agreement held by CoxCom, Inc., d/b/a Cox Communications Roanoke, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Sunday, September 21, 2003 and Sunday, September 28, 2003; and in *The Roanoke Tribune* on Thursday, September 25, 2003.

Mr. Dowe offered the following ordinance:

(#36503-100603) AN ORDINANCE providing for one or more non-exclusive franchises to construct, operate, and maintain one or more cable television systems within the City of Roanoke, Virginia, and dispensing with the second reading by title paragraph of this Ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36503-100603. The motion was seconded by Mr. Cutler.

**A communication from the City Manager advising that pursuant to Ordinance No. 30479-42291, the City entered into a Cable Television Franchise Agreement, dated May 1, 1991, for a term of 12 years with Cox Cable Roanoke, Inc., predecessor in interest to CoxCom, Inc., d/b/a Cox Communications Roanoke; at about the same time, Roanoke County and the Town of Vinton also entered into similar Franchise Agreements; and such agreements arose out of the three jurisdictions negotiating jointly with Cox Cable Roanoke, Inc.**

**It was further advised that CoxCom, Inc., has requested a renewal franchise with the City of Roanoke, Roanoke County, and the Town of Vinton and representatives of the three jurisdictions have been negotiating with Cox Communications for a renewal agreement; on April 21, 2003, pursuant to Ordinance No. 36290-042103, Council extended the 1991 Cable Television agreement for six months, until October 31, 2003, to allow renewal negotiating to be completed; such negotiations have been completed and a Cable Television Franchise Agreement acceptable to the City of Roanoke, Roanoke County, the Town of Vinton and Cox has been reached among the parties, subject to their respective agreements; in connection with the negotiation, the City retained an outside consultant familiar with cable television franchising matters; during the negotiation process, it was also recommended that the City's prior Cable Television Franchise Ordinance adopted on April 22, 1991, pursuant to Ordinance No. 30478-42291, be replaced with a revised Cable Television Franchise Ordinance; such revised Cable Television Franchise Ordinance has been drafted by the consultant and reviewed by representatives of the three jurisdictions and by Cox; representatives of the City and the consultant for the City recommend adoption of a revised Cable Television Franchise Ordinance, to which Cox has no objections; and the purpose of such action is to update the prior ordinance and to incorporate current legal requirements.**

**Certain terms of the Agreement include:**

- 1. The Agreement will be for a term of 15 years, from November 1, 2003 through October 31, 2018.**
- 2. Cox will provide a capital grant for educational and governmental access capital equipment and facilities, in the total amount of \$1,150,000.00 to be paid as follows:**

**\$575,000.00 to be paid on or before May 1, 2004;  
\$345,000.00 to be paid on or before November 1, 2006 and  
\$230,000.00 to be paid on or before November 1, 2008.**

**Payment of the above funds will be made to the fiscal agent for the Roanoke Valley Regional Cable Television Committee.**

- 3. Cox will continue to carry RVTV on Channel 3 on Cox's system, and will also continue to provide a public access channel. Cox will provide up to five additional governmental or educational access channels based on a showing of need for such channels.**
- 4. Cox will pay to the City a franchise fee in the amount of five per cent of gross revenues, in accordance with Section 17 of the revised Television Franchise Ordinance. (The amount of franchisee fee payments that the City received from Cox in fiscal year 2003 was approximately \$984,000.00.) The amount budgeted to be received in fiscal year 2004 is approximately \$1,049,000.00.**

**The City can regulate rates within limits for the cable operator's basic tier under current Federal law, the City cannot regulate any rates for any tiers above the basic tier, nor can the City regulate the programming that Cox carries on its system (other than the access channels) which are matters left to the discretion of the cable television operator under current Federal law.**

**The City Manager recommended Council adopt the revised Cable Television Franchise Ordinance, effective October 31, 2003; approve terms of the Cable Television Franchise Agreement and authorize the City Manager to execute such Agreement between the City of Roanoke and CoxCom, Inc., in a form to be approved by the City Attorney, with the Agreement to provide for the items above mentioned and such other terms and conditions as are deemed to be in the best interest of the City; and authorize the City Manager to take such further actions and to execute such additional documents as may be necessary to implement and administer the Cable Television Franchise Agreement.**

**The Mayor inquired if there were persons present who would like to be heard in connection with the public hearing.**

**Mr. Chris Craft, 1501 East Gate Avenue, N. E., advised that while he is not opposed to the franchise agreement with Cox Communications, he requested that Council discuss cable rate increases, overall rate structure and the billing system with representatives of Cox Communications.**

Mr. Robert Gravely, 729 Loudon Avenue, N. W., reiterated the remarks of Mr. Craft and advised that if cable rates continue to increase, the average Roanoke citizen will be unable to afford the service. He advised that he was not in disagreement with renewal of the franchise, but requested that the rate structure be reviewed by the City.

There being no further speakers, the Mayor declared the public hearing closed.

There being no questions or comments by Council Members, Ordinance No. 36503-100603 was adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

Mr. Dowe offered the following ordinance:

(#36504-100603) AN ORDINANCE approving and authorizing the execution of a Cable Television Franchise Agreement by and between the City of Roanoke, Virginia and CoxCom, Inc., d/b/a Cox Communications Roanoke; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36504-100603. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

## **PETITIONS AND COMMUNICATIONS:**

**ELECTIONS:** The General Registrar submitted a communication advising that due to construction/renovation, it is necessary to move Highland No. 1 Precinct currently located at the Jefferson Hall Gym to The Jefferson Center, 541 Luck Avenue, S. W., on a temporary basis, and requested approval by Council.

Mr. Dowe offered the following ordinance.

**(#36505-100603) AN ORDINANCE** temporarily changing the polling place for Highland Precinct No. 1 from the Jefferson Hall Gym at 540 Church Avenue, S. W., to Room 105, Jefferson Center, at 541 Luck Avenue, S. W.; and dispensing with the second reading by title paragraph of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36505-100603. The motion was seconded by Mr. Harris.

Mr. Charles Harlow, representing Blue Ridge Independent Living Center, inquired if the change of polling place will be indefinite; whereupon, the Registrar advised that a temporary change is proposed at this time; however, the Jefferson Gym has been sold and will no longer be available for voting purposes; therefore, a permanent location will be requested following the November 2003 election.

Mr. Harlow advised that as a former City employee who worked at The Jefferson Center for a number of years, he could attest to the fact that The Jefferson Center is not one of the easiest locations for persons with disabilities to enter and to exit. He stated that if The Jefferson Center is to be used as a polling place indefinitely, ramps should be installed and better parking facilities should be provided. He added that parking for handicapped persons in the "U shaped" area at the entrance to The Jefferson Center is not properly identified.

Council Member Bestpitch advised that he previously occupied office space at The Jefferson Center and a concern was that visitors to the facility would often park in the handicapped spaces outside the main entrance to The Jefferson Center. He stated that the space should be more clearly marked for handicapped usage and asked that the record reflect that there is a problem, spaces located immediately in front of the building should be more clearly identified as handicapped parking only. Therefore, he requested that the matter be referred to the City Manager for review.

**Ordinance No. 36505-100603 was adopted by the following vote:**

**AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Fitzpatrick was absent.)**

**REPORTS OF OFFICERS:**

**CITY MANAGER:**

**ITEMS RECOMMENDED FOR ACTION:**

**WATER RESOURCES:** The City Manager submitted a communication advising that the existing 1994 Wastewater Agreement among the City of Roanoke and Roanoke County, the City of Salem, the Town of Vinton, and Botetourt County has been substantially updated and revised to reflect an agreed upon cost sharing formula for the 2003 Wet Weather Improvements at the Water Pollution Control Plant; the revision was necessary since existing contract terms require separate negotiation of cost sharing of each major capital improvement; and following discussion, costs for the project were determined based upon existing capacity allocations.

It was further advised that other changes were desired by all parties, including a different method of metering the City's flow contribution to the Water Pollution Control Plant and revised rate calculations for monthly flow charges; and to address ongoing maintenance needs, all parties will make payments, based upon flow allocation, into a capital fund, which fund will allow plant staff to plan improvements over multiple years while relieving budget uncertainty for partner jurisdictions.

The City Manager recommended that the Mayor be authorized to execute the 2003 Regional Wastewater Collection and Treatment Contract on behalf of the City of Roanoke; and authorize the City Manager to take such further action and to execute such other documents as may be necessary to implement and to administer such contract, such documents to be approved as to form by the City Attorney.

**Mr. Dowe offered the following ordinance:**

**(#36506-100603) AN ORDINANCE endorsing the 2003 Regional Wastewater Collection and Treatment Contract among the City of Roanoke, Roanoke County, the City of Salem, the Town of Vinton, and Botetourt County and authorizing the Mayor to execute such Contract on behalf of the City; authorizing the City Manager to take such further actions and to execute such documents as may be necessary to implement and administer such Contract; and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 68.)**

**Mr. Dowe moved the adoption of Ordinance No. 36506-100603. The motion was seconded by Mr. Harris and adopted by the following vote:**

**AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Fitzpatrick was absent.)**

**POLICE DEPARTMENT-EMERGENCY SERVICES-GRANTS: The City Manager submitted a communication advising that the U. S. Marshals Service has proposed the formation of a "Joint Fugitive Task Force" (JFTF) to improve cooperative efforts among local jurisdictions in locating wanted persons; the mission of the Task Force will be to conduct, in a coordinated manner, investigations and to arrest local, State and Federal fugitives with outstanding warrants for crimes of violence; members of the Task Force will include the United States Attorney's Office, United States Marshals Service, Virginia Department of Game and Inland Fisheries, the Franklin County Sheriff's Office, Roanoke Police, Bedford County Sheriff's Office, and the Wytheville Police Department; membership of the Task Force will be limited to one investigator and one alternate from each agency, with the exception of the State agencies which may assign additional investigators due to their large geographical coverage areas; all local and State law enforcement officers will be required to be deputized as Special Deputy U. S. Marshals; the deputations will remain in effect throughout the tenure of the officer's assignment on the Task Force; supervision of personnel assigned to the Task Force will be the mutual responsibility of participating agencies, however, day-to-day operations and administrative control of the Task Force will be the responsibility the U. S. Marshals Joint Fugitive Task Force Coordinator; the Coordinator will oversee prioritization and assignment of targeted cases and related investigative activities in accordance with stated objectives of the Task Force; the Memorandum of Understanding with the Task**



Force provides that the City will hold harmless the United States from any claim, cause of action or judgment resulting solely from the negligent acts of its employees and that the City will assume liability for the negligence of its employees and for any property damage to Federal vehicles resulting from the use of such vehicles by City police officers; and this assumption of liability by agreement is not a waiver of sovereign immunity.

It was further advised that the Police Department currently has a similar function with the Drug Enforcement Administration and with the Bureau of Alcohol, Tobacco and Firearms; participating in the Task Force will allow police officers to access the U. S. Marshal's on-line search mechanisms in an attempt to locate fugitives; and participating officers will learn new skills from interaction with officers from other agencies.

The City Manager recommended that she be authorized to execute the Memorandum of Understanding for the U. S. Marshals Service Blue Ridge Fugitive Apprehension Strike Team Joint Fugitive Task Force of the Western District of Virginia.

Mr. Dowe offered the following resolution:

(#36507-100603) AN RESOLUTION authorizing the execution of a Memorandum of Understanding with the U. S. Marshal's Service and other law enforcement agencies regarding the Blue Ridge Fugitive Apprehension Strike Team Joint Fugitive Task Force of the Western District of Virginia.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Dowe moved the adoption of Resolution No. 36507-100603. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Bestpitch, Wyatt, Cutler, Dowe, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

**POLICE DEPARTMENT-EMERGENCY SERVICES-GRANTS:** The City Manager submitted a communication advising that the Virginia Department of Emergency Management has announced allocation of the 2003-II, Office of Domestic Preparedness State Homeland Security Grant Program, which is designed to allow local governments in Virginia to supplement funding received from the 2003-1 Equipment Grant Program; the 2003-II Grant is intended for first responders to have better preparedness to combat and deal with terrorist acts involving weapons of mass destruction and to mitigate the costs of enhanced security at critical infrastructure facilities during periods of hostilities with Iraq, and, if enough funding remains, to help with costs in future periods of heightened threat.

It was further advised that the City of Roanoke has been allocated a total of \$246,434.00 under the grant, which amount is based upon a formula that provided \$50,000.00, plus \$2.07 per capita to the City of Roanoke; and funding will be made available upon review of the budget detail listing and approval by the Virginia Department of Emergency Management and the Office of Domestic Preparedness.

It was explained that funding, which requires no local match, must be used according to requirements specified by the Office of Domestic Preparedness; the 2003-II Grant allows localities to spend funds in four areas of need in First Responder Preparedness, including specialized emergency response equipment and terrorism incident prevention equipment; design, development, conduct and evaluation of exercises for the combating of terrorism; institutionalizing awareness and performance level training; and for planning and administrative costs associated with updating and implementing the State's Homeland Security strategy; the grant requires that the City participate in and complete an assessment of its abilities to handle a terrorist attack; and it is anticipated that the assessment will take a sizeable amount of time on the part of key responders and management personnel.

The City Manager recommended that she be authorized to execute any agreements or documentation required in connection with obtaining and accepting the allocation of funds, and to furnish such additional information and to take such additional action as may be needed to implement and to administer such funds and agreements, said documents to be approved as to form by the City Attorney; and that Council appropriate funding of \$246,434.00 and establish a corresponding revenue estimate in accounts to be established by the Director of Finance in the Grant Fund.

**Mr. Dowe offered the following budget ordinance:**

**(#36508-100603) AN ORDINANCE appropriating funds for the Office of Domestic Preparedness State Homeland Security Grant, amending and reordaining certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.**

**(For full text of Ordinance, see Ordinance Book No. 68.)**

**Mr. Dowe moved the adoption of Ordinance No. 36508-100603. The motion was seconded by Mr. Harris and adopted by the following vote:**

**AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Fitzpatrick was absent.)**

**Mr. Dowe offered the following resolution:**

**(#36509-100603) AN RESOLUTION authorizing the application to and acceptance of the 2003-II Office of Domestic Preparedness State Homeland Security Grant from the Virginia Department of Emergency Management to obtain federal funds under the federal Office of Justice Programs (OJP), National Domestic Preparedness Office Grant Programs and authorizing the execution of any required documentation on behalf of the City.**

**(For full text of Resolution, see Resolution Book No. 68.)**

**Mr. Dowe moved the adoption of Ordinance No. 36509-100603. The motion was seconded by Mr. Harris and adopted by the following vote:**

**AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Fitzpatrick was absent.)**

**EMERGENCY SERVICES:** The City Manager submitted a communication advising that since July 1, 1986, the City has been under contract with the Virginia Department of Emergency Management to respond to Level III hazardous materials incidents in a regional concept involving firefighters/EMTS from the Cities of Roanoke and Salem; and on November 18, 2002, Council authorized the City Manager to renew the agreement to participate in a Level III Regional Response Team, with the agreement to be renegotiated biannually in order to keep funding and reimbursement needs current.

It was further advised that the City of Roanoke benefits in several ways from the contract; the City receives reimbursement for training, team member physical examinations and purchase of related equipment; and without the State contract, the City would still have a need for a hazardous materials response team, but would not have the corresponding benefit of being a reimbursed regional provider.

It was explained that the present VDEM hazardous materials team contract expires on June 30, 2004; VDEM agreed to furnish \$15,000.00 per year in "pass-through" funds in order to assist with the purchase of equipment, physicals, and to attend training programs needed to comply with Federal and State response criteria mandates; and pass-through funding totaling \$15,000.00 has been received from VDEM.

The City Manager recommended that Council accept "pass-through" funding which honors the two-year Virginia Department of Emergency Management hazardous materials team contract for the period July 1, 2002 until June 30, 2004; that Council appropriate \$15,000.00 as follows: \$10,000.00 to Expendable Equipment and \$5,000.00 to Training and Development under the Hazardous Materials Response Team Grant; and establish a revenue estimate of \$15,000.00 in Account No. 035-520-3226-3226.

Mr. Harris offered the following budget ordinance:

(#36510-100603) AN ORDINANCE appropriating funds for the FY04 Hazardous Materials Response Team Grant, amending and reordaining certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Harris moved the adoption of Ordinance No. 36510-100603. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

Mr. Dowe offered the following resolution:

(#36511-100603) A RESOLUTION authorizing the City Manager to accept, on behalf of the City of Roanoke, “pass-through” funding from a two-year contract with the Commonwealth of Virginia, Department of Emergency Management, to participate in a Regional Hazardous Materials Response Team.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Dowe moved the adoption of Resolution No. 36511-100603. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

**PURCHASE/SALE OF PROPERTY-PARKS AND RECREATION-LANDMARKS/HISTORIC PRESERVATION-ENVIRONMENTAL POLICY:** The City Manager submitted a communication advising that as a part of the multi-regional Blue Ridge Parkway viewshed planning process, the most recent Virginia Outdoors Plan states the necessity for local governments to acquire private land in order to preserve and to protect the view shed of the Blue Ridge Parkway; the City's Vision Plan articulates the benefit to the entire community of preserving trees in the Roanoke Valley; currently, there are approximately 55 acres of heavily forested land identified as Official Tax Nos. 4470101 and 4480101 that lay contiguous to the Blue Ridge Parkway and Mill Mountain Park, which are privately owned; and the property owner is interested in preserving the land as a pristine open public space rather than seeing the land developed.

It was further advised that in order to keep the property as a natural reserve, the property owner has agreed to sell both parcels of land to the City of Roanoke for \$140,000.00, which is slightly under the assessed value; before purchase can be made, a Phase I Environmental Site Assessment and a metes and bounds survey will be conducted for both parcels of land; partial funding of \$57,185.00 is available in an undesignated capital fund balance and the remaining funds of \$89,365.00 are available in capital fund interest earnings; and total cost of \$146,550.00 includes the cost of assessment, survey and property purchase.

The City Manager recommended that Council approve purchase of properties described as Official Tax Nos. 4470101 and 4480101, contingent upon return of an acceptable title search and environmental assessment; and appropriate funds in an account to be established by the Director of Finance in the Capital Projects Fund.

Mr. Cutler offered the following budget ordinance:

(#36512-100603) AN ORDINANCE appropriating funds for land acquisition at Mill Mountain, amending and reordaining certain sections of the 2003-2004 Capital Projects Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Cutler moved the adoption of Ordinance No. 36512-100603. The motion was seconded by Mr. Dowe.

Elizabeth Belcher, Coordinator, Roanoke Valley Greenways, expressed appreciation to the City for taking this initiative to not only protect the Blue Ridge Parkway, but to enlarge Mill Mountain Park. She advised that Mill Mountain is a unique resource to the citizens of the City of Roanoke and to the Roanoke Valley as a region because few localities have a natural park that runs through their city. She further advised that a general agreement was signed with the Blue Ridge Parkway several years ago to facilitate connecting Roanoke's greenway network to Blue Ridge Parkway trails, which includes the Chestnut Ridge Trail around the campground and the horse trail that parallels the Blue Ridge Parkway almost to Explore Park. She stated that the Blue Ridge Parkway completed its environmental assessment last month which allows for rehabilitation and relocation of some portion of the trail in preparation for connection of the Roanoke Valley's greenway network to the trails, the objective of which is to ensure that Blue Ridge Parkway trails are in a condition to support the use they will receive when greenways are connected. She noted that Blue Ridge Parkway officials have authorized the Roanoke Valley Greenway Commission to begin work on rehabilitation and maintenance of the trails; and it is hoped that there will be a connection in the near future from the Mill Mountain Greenway to the Chestnut Ridge Trail and the Roanoke

Valley Greenways Commission will work with the City’s Department of Parks and Recreation and the Mill Mountain Advisory Committee with regard to how the connection will be made which will allow the trail to go all the way to Explore Park.

Mr. Robert B. Manetta, 2821 Stephenson Avenue, S. W., advised that the Blue Ridge Parkway is a major tourist attraction that brings many thousands of persons to the Roanoke Valley on a regular basis. He stated that Council’s action says that the City of Roanoke is doing its share to protect the Blue Ridge Parkway viewshed and expressed appreciation to the City of Roanoke.

Ordinance No. 36512-100603 was adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

Mr. Cutler offered the following ordinance:

(#36516-100603) AN ORDINANCE providing for the acquisition of property located contiguous to the Blue Ridge Parkway and Mill Mountain Park in order to preserve the viewshed of the Blue Ridge Parkway; authorizing the proper City officials to execute and attest any necessary documents for this acquisition; and dispensing with the second reading of this ordinance by title.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Cutler moved the adoption of Ordinance No. 36516-100603. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

**BUDGET-HUMAN DEVELOPMENT:** The City Manager submitted a communication advising that the City of Roanoke Department of Social Services and the State Health Department entered into an agreement in 1994 to establish an Eligibility Worker position through the Department of Social Services to be placed at the Roanoke Health Department to assure that all citizens have an opportunity to apply for Medicaid; the agreement remains in effect until modified by mutual consent or operation of law; and there is no local cost for the position, with approximately 50 per cent of the cost to be reimbursed from Federal Medicaid administrative funds and the Health Department will reimburse the remaining cost.

It was further advised that the Health Department is satisfied with the results of having the position on location and wishes to continue the services; whereupon, the City Manager recommended that she be authorized to continue the services of the Eligibility Worker stationed at the Health Department, in accordance with the original agreement; and that Council adopt revenues of \$36,369.00 from State and Federal sources and appropriate expenditures to accounts to be established by the Director of Finance.

Mr. Dowe offered the following budget ordinance:

(#36513-100603) AN ORDINANCE appropriating funds for the Restricted Eligibility Worker, amending and reordaining certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36513-100603. The motion was seconded by Mr. Harris and adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)



**Mr. Dowe offered the following resolution:**

**(#36514-100603) A RESOLUTION authorizing the City Manager to continue the services of the Eligibility Worker stationed at the Health Department in accordance with the original Agreement between the Roanoke City Department of Social Services, the State Health Department and the Virginia Department of Social Services, upon certain terms and conditions.**

**(For full text of Resolution, see Resolution Book No. 68.)**

**Mr. Dowe moved the adoption of Resolution No. 36514-100603. The motion was seconded by Mr. Harris and adopted by the following vote:**

**AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----6.**

**NAYS: None-----0.**

**(Council Member Fitzpatrick was absent.)**

**DIRECTOR OF FINANCE:**

**DIRECTOR OF FINANCE-AUDITS/FINANCIAL REPORTS: The Director of Finance submitted the Financial Report for the month of August 2003.**

**The Director of Finance advised that the format of the August Financial Report was streamlined to include a report on the General Fund, Enterprise Funds and Pension Plan. He stated that additional information, which has traditionally been provided to the Council and an expanded review, will be presented at the Council's quarterly Budget and Planning Committee meetings.**

**There being no questions or comments, without objection by Council, the Mayor advised that the Financial Report would be received and filed.**

**REPORTS OF COMMITTEES:**

**ARCHITECTURAL REVIEW BOARD: The City Planning Commission submitted a written report advising that the Architectural Review Board (ARB) reviewed and approved amendments to the H-2, Neighborhood Preservation Overlay District Architectural Design Guidelines pertaining to installation of replacement and substitute siding on buildings in the historic district; the guidelines are instrumental**

in guiding the review, consideration and decisions made by the ARB for requests that are submitted to the Board; and guidelines, unlike provisions of the City Code, such as the Zoning Ordinance, provide both the ARB and Council, upon appeal, with the flexibility to consider any situation or context that warrants special consideration.

It was further advised that revised sections of the guidelines focus on replacing the terms "vinyl or aluminum" and "substitute" as they pertain to siding with the word "synthetic"; the word "synthetic" encompasses a growing number of replacement materials that are now available in the marketplace, and also includes various stucco and/or Exterior Finish and Insulation and System materials; revisions also make the installation of synthetic siding as a replacement material 'inappropriate' in the Historic District unless the ARB finds that the use of a synthetic material is necessary to save a building due to the condition of the structure and its original exterior cladding; a reference to color of the material has been removed since color is not under the purview of the ARB in the H-2 District; and the Board has purview over color only in the H-1 District which covers portions of downtown Roanoke.

It was explained that the Architectural Review Board requests that Council endorse guideline amendments; endorsement by Council of overall guidelines in January 2001 demonstrated the support of Council of the guidelines; therefore, it is appropriate that any amendments to the same guidelines also receive Council's endorsement; and because decisions of the ARB may be appealed to Council, it is important that Council use the guidelines in its decision-making process.

The City Planning Commission recommended that Council adopt a resolution endorsing amendments to Architectural Review Guidelines as such guidelines pertain to installation of replacement or substitute siding.

Mr. Bestpitch offered the following resolution:

(#36515-100603) A RESOLUTION endorsing an amendment to the Architectural Design Guidelines for the H-2, Neighborhood Preservation District.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Bestpitch moved the adoption of Resolution No. 36515-100603. The motion was seconded by Mr. Dowe.

The Mayor advised that he would support the proposed amendment, but expressed concern that the City may be placing too many restrictions on those persons who wish to make improvements to their property in the old southwest area, and those same persons may be discouraged by the proposed guidelines and abandon plans to rehabilitate homes that are in dire need of repair.

Resolution No. 36515-100603 was adopted by the following vote:

AYES: Council Members Harris, Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Fitzpatrick was absent.)

UNFINISHED BUSINESS: NONE.

INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS: NONE.

MOTIONS AND MISCELLANEOUS BUSINESS:

INQUIRIES AND/OR COMMENTS BY THE MAYOR AND COUNCIL:

COMPLAINTS-CITY MANAGER-CITY EMPLOYEES-PERSONNEL DEPARTMENT: Council Member Wyatt advised that it was her understanding that the City's grievance procedure provides that a grievance filed by a City employee proceeds through the chain of command to the City Manager and if the grievance is deemed grievable by the City Manager, it is heard by a grievance panel and the decision of the panel is binding on both parties. She inquired as to when the panel was deemed to be advisory in nature, with the City Manager making the ultimate decision.

The City Manager responded that Ms. Wyatt could be referring to an instance where it was deemed, in consultation with the legal department, that the grievance panel had gone beyond the bounds of its authority in a determination which did not fit within the grievance procedure decision making authority of the panel. She explained that the only change that has been made in the grievance procedure, which was effective July 2, 2003, following proper notification of all City employees, was to clarify certain language to provide that five days following the meeting, a decision will be rendered by whatever level of management that hears the grievance.

The City Manager advised there have been two instances in the past year where the decision rendered by the grievance panel was determined to go beyond the bounds of the panel's authority and in those two instances, no change was made following the decision and the grievance panel was so advised.

Ms. Wyatt advised that City employees believe that there is no need to go through the grievance panel and prefer to take their grievance directly to the courts, rather than proceed through the grievance procedure. She expressed concern when citizens are asked to serve on a grievance panel, to cite grievance procedures, and to render decisions, only to have their decisions overturned by the City Manager.

The City Manager agreed with Council Member Wyatt and advised that an orientation program will be offered to new members of the grievance panel in a effort to avoid these kinds of situations in the future. She called attention to only two occasions in the past 12 - 18 months that the grievance panel has gone beyond the bounds of its authority as it relates to the total number of decisions rendered by the grievance panel.

The City Manager advised that Council will be provided with a communication in response to the issues raised by Council Member Wyatt.

**COMMITTEES-LIBRARIES:** Council Member Bestpitch expressed appreciation to Michael Ramsey, outgoing Chair, Roanoke Public Library Board, for his service to the City of Roanoke and for a recent Commentary which appeared in *The Roanoke Times*, the purpose of which was to direct attention to the library process. He encouraged citizens of Roanoke to participate in a discussion over the next several months on what library services of the future will be like, since the library system is changing from the concept of a building containing books, to a system that provides numerous resources in a variety of formats. He called attention to the need to hear from citizens with regard to those resources that are the most beneficial and how services can be delivered in the most efficient manner.

**PROCLAMATIONS-NEWSPAPERS-WATER RESOURCES-ENVIRONMENTAL POLICY-HOUSING/AUTHORITY/-CODE ENFORCEMENT:** Council Member Cutler referred to a proclamation that was issued by the Mayor earlier in the meeting proclaiming the month of October, 2003 as Family History Month. He advised that fellow members of the Fincastle Chapter, Sons of the American Revolution, were invited to attend the Council meeting inasmuch as the organization views the Virginia Room of the Roanoke Public Library as a priceless resource, and has expressed an interest in the planning process for improvements to the City's library system, including access to and support/protection of genealogical and historical collections in the Virginia Room.

**Council Member Cutler commended the City's Department of Neighborhood Services upon publication of the newsletter, "Around the Block with Roanoke's Neighborhoods", which includes an article describing initial appointees to the Roanoke Neighborhood Advocates (RNA) and states that the RNA will accept applications from neighborhood leaders to serve on its policy body.**

**Council Member Cutler encouraged Roanoke Valley residents to attend the Annual Virginia Environmental Assembly to be held in the City of Roanoke on Saturday, October 26, 2003, 10:00 a.m. - 5:00 p.m., at Center in the Square, Mill Mountain Theater, which will provide an opportunity to learn about and contribute to discussions on a variety of environmental issues from water management to transportation.**

**ARMORY/STADIUM-TOTAL ACTION AGAINST POVERTY-ROANOKE SYMPHONY ORCHESTRA-SCHOOLS:** Council Member Dowe commended the Roanoke Symphony Orchestra on the success of the Polo Cup activity which was held in Green Hill Park in the City of Salem on Saturday, October 4, 2003; and This Valley Works, under the auspices of Total Action Against Poverty, for hosting the Western Virginia Classic football game between St. Augustine College and Virginia Union which was also held on Saturday, October 4, at Victory Stadium. He congratulated both organizations on their efforts to bring these types of events to the Roanoke Valley.

**HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard; and matters requiring referral to the City Manager will be referred immediately for response, recommendation or report to Council.

**TRAFFIC-STATE HIGHWAYS-BRIDGES-PERSONNEL DEPARTMENT-TRANSPORTATION SAFETY:** Mr. Chris Craft, 1501 East Gate Avenue, N. E., advised that:

- In view of State budget cuts, the Virginia Department of Transportation has eliminated plans for a bridge at Hollins Road, and inquired as to how the City can allow this to happen, but still find the necessary funds to construct a new stadium/amphitheater at Orange Avenue and Williamson Road. He asked that the City work with VDOT to identify funds for construction of the bridge at Hollins Road.

- **The City of Roanoke should honor its commitments to the Gainsboro community; i.e.: sidewalks, revitalization, improved streets, etc.**
- **The median configuration on Williamson Road adversely impacts some Williamson Road businesses.**
- **The City should investigate traffic congestion at Masons Mill Road/Hollins Road.**
- **Council should investigate the hiring practices of the City of Roanoke.**

**ARMORY/STADIUM-CITY COUNCIL:** Mr. John Kepley, 2909 Morrison Street, S. E., requested that Council reconsider its vote to demolish Victory Stadium in view of the wishes of thousands of citizens who signed petitions that were previously filed with the Council, and that citizens be given the opportunity to vote on the issue at a public referendum. He advised that Council Member Wyatt recently stated that she did not appreciate his attacking her on her decision to support a new stadium/amphitheater at the Orange Avenue/Williamson Road site; whereupon, he stated that on numerous occasions he did not appreciate Ms. Wyatt's voting record on certain issues, and at future City Council meetings he would present his concerns in more detail. He stated that the four Members of Council who voted for a new stadium/amphitheater are stealing a part of his heritage as a Roanoker, the City has been insensitive to the pleads, requests and direct approaches of its citizens; and with the exception of Council Member Dowe, those Council Members who voted to build the new stadium/amphitheater are not native Roanokers, therefore, Victory Stadium does not hold any special significance for them.

Council Member Wyatt asked that the record reflect that she voted to construct a new stadium/amphitheater, but at no time has she ever voted to tear down Victory Stadium.

**ARMORY/STADIUM-ROANOKE CIVIC CENTER:** Mr. Robert Gravely, 729 Loudon Avenue, N. W., advised that Victory Stadium should be creatively marketed in lieu of constructing a new stadium; the average citizen of the City of Roanoke cannot afford the price of a ticket to an event at the Roanoke Civic Center; more jobs are needed to attract young people to the Roanoke Valley; and there is a need for improved maintenance of the City of Roanoke and its infrastructure.

**ARMORY/STADIUM-CITY COUNCIL:** Ms. Helen E. Davis, 35 Patton Avenue, N. E., commended those Members of Council who support the renovation of Victory Stadium, in lieu of construction of a new stadium/amphitheater; and expressed disappointment in those Council Members who voted to construct the new stadium/amphitheater on Orange Avenue and Williamson Road. She also expressed disappointment in the vote of Council Member Wyatt because heretofore she has been the voice of the people and has represented the citizens of Roanoke on numerous occasions, and although Ms. Wyatt's vote was sometimes in the minority, she continued to speak on behalf of the citizens of Roanoke.

**ARMORY/STADIUM-CITY COUNCIL:** Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., referred to proclamations which were issued by the Mayor earlier in the meeting, one of which pertained to Family History Month, and was intended to preserve the heritage that has shaped Roanoker's as a people and to renew the commitment to the concept of home and family. She advised that over 7000 persons who signed a petition in support of saving Victory Stadium consider the Stadium to be a part of their home and a part of their heritage, yet Council saw fit not to honor their wishes; therefore, what is the purpose of the Mayor's proclamation. She called attention to another proclamation which declared October 19 - 25, 2003, as Building Character Week and advised that children are taught that Americans live in a democracy, Americans vote and the majority vote wins, but in this case the petitions signed by over 7000 citizens were votes that the City chose to ignore. She inquired if the City of Roanoke is becoming a dictatorship where a few people rule to the detriment of the majority, and asked that Council seriously consider what kind of example it is setting for the young people of Roanoke.

**CITY MARKET-COMPLAINTS-TAXES:** Mr. Robert Craig, 701 12th Street, S. E., expressed concern with regard to the City's utility tax on cellular telephone service; an increase in his real property assessment by 33 per cent; wasteful spending of taxpayers' money; and lack of dissemination of appropriate information by Council and the City Administration to the citizens of Roanoke. He referred specifically to certain unknowns regarding the Farmer's Market and the Subway restaurant and the perception by some persons that the "mom and pop" operations in the City Market Building will be replaced by national chain restaurants. He also called attention to poor maintenance of the City Market building.

**CITY MANAGER COMMENTS:** NONE.

The Mayor declared the Council meeting in recess for two briefings and continuation of a closed session on boards and commissions.

**The Council immediately reconvened in the Council's Conference Room for two staff briefings.**

**STATE HIGHWAYS:** The City Manager introduced a briefing on the work of staff and a committee of citizens charged with the responsibility of reviewing Long Range Transportation recommendations.

**Mr. Bestpitch, Vice Chair, Roanoke Metropolitan Planning Organization, expressed appreciation to City Planning Commission Members Henry Sholz, Kent Chrisman and Rick Williams who participated in the study.**

**Kenneth King, Jr., Manager, Streets and Traffic, reviewed the following Roanoke Valley Area Metropolitan Planning Organization 2025 Long Range Transportation Plan Recommendations:**

**"The City of Roanoke is pleased to submit recommendations for consideration and inclusion in the Roanoke Valley Area 2025 Long-Range Transportation Plan. The City of Roanoke values and recognizes the planning process as being the primary building block for effective transportation improvements. To be effective, plans must be based upon projections of the transportation system's future conditions, needs and opportunities, to effectively guide decision making today and in the future. Through intergovernmental cooperation, coordination, and public involvement, plans should shape local, regional and state strategies for addressing economic growth, safety, congestion, air quality and public mobility. All parties are encouraged to be involved in the transportation planning and improvement process to be proactive in integrating and utilizing all modes of transportation. The City's recently completed Comprehensive Plan emphasizes the need for sustainability; therefore, local and regional plans should support compact urban development, discourage sprawl and emphasize multi-modal forms of transportation that prioritize facilities for bicycles, pedestrians, rail and transit as well as accommodate automobiles.**

**The City of Roanoke Urban System - Financial Constrained List (on file in the City Clerk's Office) contains both the financially constrained and future vision list of urban projects for the City of Roanoke. One notable project is the I-581 and Elm Avenue improvement project. This is one of the most congested areas within the regional transportation system**



and has been a known problem for many years. The urban, primary, and interstate systems converge in this single interchange and improvements may require funding from each of these systems to solve this complex problem. Traditionally, an interchange project of this type would be funded solely from interstate funding sources; however, because of the major importance of this project, the City of Roanoke is prepared to have \$8 million of the City's urban allocation dedicated for this purpose. The willingness to have these urban funds dedicated demonstrates the City's commitment to this improvement. The MPO and VDOT should likewise make this project a high priority by allocating the needed funds from all available sources (primary and/or interstate systems) to support this improvement. Together with Interstate 81, the I-581 and Elm Avenue interchange is a top interstate need that must be addressed in this long Range Transportation Plan.

The transportation system is dynamic in nature and these plans should be continuously revised and officially updated every three to five years to provide a comprehensive and accurate strategy for addressing the ever changing needs of Virginia's citizens and businesses. The City of Roanoke is committed to being a proactive leader and partner in these very important endeavors."

Mr. King advised that the matter will be brought to Council at a public hearing on Thursday, October 23, 2003; the MPO is currently in a 30 day public comment period and staff will share with Council any public comments that were received with regard to the Roanoke community, as well as the region as a whole, and will seek Council's endorsement and approval to submit the document to the Metropolitan Planning Organization, which is scheduled to address the matter at its meeting on November 7, 2003.

**POLICE DEPARTMENT:** The City Manager introduced a briefing on certain cooperative efforts between Roanoke City and Roanoke County in regard to facilities for training police officers of both localities.

Keith L. Sidwell, Lieutenant, Roanoke City Police Academy, advised that comprehensive, cost effective training for law enforcement personnel is a necessity that impacts employees and citizens; Roanoke City and Roanoke County have a history of collaboration for mutual benefit and the two localities combined resources in August 1998 to build a regional firearms training range on a 14.9 acre tract of land owned by Roanoke County; the two localities are currently working together to

develop a regional driver training facility on the same tract of land; the facility would be under joint direction/supervision of a driver training facility-governing committee; and the localities are working together to determine cost parameters and development costs would be shared equally by the localities. He advised that they are also in the discussion stage with Roanoke County concerning participation in the development of a new Police Academy to be located within the City of Roanoke.

It was advised that the Roanoke Police Academy is currently housed at The Jefferson Center, the Academy is certified by the Virginia Department of Criminal Justice Services as an Independent Criminal Justice Academy, charged with providing training for 240+ sworn personnel from the City of Roanoke, 114 from Roanoke County and Dispatcher personnel; and fee-based training for other jurisdictions/agencies and co-host regional training with ISS International is also provided.

He noted that there is limited available space, inability to expand, and having only two classrooms makes it necessary to conduct some classes off campus:

- Booker T. Washington Gym - Defensive Tactics for Basic Training
- Roanoke County EOC - Background Investigator Training
- Jefferson Center Training Theater - OSHA/VPCI In-Service Training
- PD Community Room and Patrol Conference Room - Chemical Suite/Gas Mask Training
- Calvary Baptist Church - Reed School for Youth Investigators and School Personnel

Due to limited space, areas within the facility have been converted to accommodate multiple functions.

Lieutenant Sidwell advised that relocation to more suitable space is essential for continued success in providing necessary training in a timely manner; Police Department staff continue to work with Economic Development to explore alternatives; Roanoke County has expressed continued interest in participating in the City's program; and an actual site/funding source will need to be identified.

**A possible funding source includes:**

**Section 9.1-106 of the Code of Virginia (1950) as amended, which was amended and reenacted on April 2, 2003 (HB 2511, SB 1345) addresses fees for criminal justice training academies and provides that upon conviction for certain traffic and criminal charges, certain fees will be assessed as court costs, effective July 1, 2003, and the State set its current fee at \$1.00.**

**Section 9.1-106 provides that a locality may charge a similar in nature fee if the locality does not participate in a regional criminal justice training academy and the locality was operating a certified independent criminal justice academy as of January 1, 2003; stipulates that any and all funds from such local fee shall support the local criminal justice academy, and existing funds shall not be reduced as a result of enacting the fee.**

**Other localities surveyed indicate that of those qualifying localities that have enacted a fee, Chesapeake, Chesterfield County and Richmond enacted a \$1.00 fee and Virginia Beach enacted a \$5.00 fee.**

**The Police Department staff will continue to explore available alternatives for a suitable site; the City Administration will submit a report/ordinance to Council for review and approval recommending amendment of the Code of the City of Roanoke, (1979), as amended, to provide for a court assessment fee of \$3.00, pursuant to Section 9-106 of the Code of Virginia, effective November 1, 2003, with funds collected to be used solely to support relocation/additional operating expenses of the City's Police Academy.**

**The Clerks of General and Circuit Courts would charge and collect the assessment as a part of the fees taxed as court costs, funds collected would be submitted to the City Treasurer; funds posted as General Fund revenue and held would be subject to appropriation by Council; projected revenue from the \$3.00 assessment is estimated at approximately \$54,000.00 annually, and would be used solely to support the City's criminal justice academy as mandated and provide for the relocation/additional operating expenses of the Police Academy.**

**At 5:00 p.m., the Council reconvened in Closed Session in the Council's Conference Room.**

At 5:20 p.m., the Council meeting reconvened in the Council Chamber, with all Members of the Council in attendance, except Vice-Mayor Harris and Council Member Fitzpatrick, Mayor Smith presiding.

**COUNCIL:** With respect to the Closed Meeting just concluded, Mr. Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Dowe and adopted by the following vote:

**AYES:** Council Members Bestpitch, Cutler, Dowe, Wyatt and Mayor Smith-----5.

**NAYS:** None-----0.

(Vice-Mayor Harris left the meeting during the City Manager's briefing on police training facilities.)

(Council Member Fitzpatrick was absent.)

**OATHS OF OFFICE-COMMITTEES-ARCHITECTURAL REVIEW BOARD:** The Mayor advised that the term of office of Donald C. Harwood as a member of the Architectural Review Board expired on October 1, 2003, and called for nominations to fill the vacancy.

Mr. Cutler placed in nomination the name of Donald C. Harwood.

There being no further nominations, Mr. Harwood was reappointed as a member of the Architectural Review Board, for a term ending October 1, 2007, by the following vote:

**FOR MR. HARWOOD:** Council Members Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----5.

**NAYS:** None-----0.

(Vice-Mayor Harris and Council Member Fitzpatrick were absent.)

**OATHS OF OFFICE-COMMITTEES-ROANOKE CIVIC CENTER:** The Mayor advised that the terms of office of Calvin H. Johnson and Thomas G. Powers as members of the Roanoke Civic Center Commission expired on September 30, 2003, and called for nominations to fill the vacancies.

Mr. Cutler placed in nomination the names of Calvin H. Johnson and Thomas G. Powers.

There being no further nominations, Messrs. Johnson and Powers were reappointed as members of the Roanoke Civic Center Commission, for terms ending September 30, 2006, by the following vote:

**FOR MESSRS. JOHNSON AND POWERS:** Council Members Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----5.

(Vice-Mayor Harris and Council Member Fitzpatrick were absent.)

**OATHS OF OFFICE-COMMITTEES-INDUSTRIES:** The Mayor advised that the term of office of Lynn D. Avis as a Commissioner of the Industrial Development Authority will expire on October 20, 2003, and called for nominations to fill the vacancy.

Mr. Cutler placed in nomination the name of F. Gordon Hancock.

There being no further nominations, Mr. Hancock was appointed as a Commissioner of the Industrial Development Authority, for a term ending October 20, 2007, by the following vote:

**FOR MR. HANCOCK:** Council Members Wyatt, Bestpitch, Cutler, Dowe, and Mayor Smith-----5.

**NAYS:** None-----0.

(Vice-Mayor Harris and Council Member Fitzpatrick were absent.)

**COUNCIL-HOUSING/AUTHORITY:** Mr. Cutler moved that Vice-Mayor C. Nelson Harris and Council Member Beverly T. Fitzpatrick, Jr., be appointed as the Council's representatives to a Joint Council/Housing Authority Ad Hoc Committee to Study the Role of the Roanoke Redevelopment and Housing Authority. The motion was seconded by Mr. Dowe and adopted.

At 5:30 p.m., the Council meeting was declared in recess until Friday, October 17, 2003, at 9:00 a.m., at the Roanoke County Administration Center, fourth floor Conference Room, 5204 Bernard Drive, S. W., for a joint meeting of City Council and the Roanoke County Board of Supervisors, with regard to formation of a regional water/waste water authority.

A joint meeting of Roanoke City Council and the Roanoke County Board of Supervisors was called to order on Friday, October 17, 2003, at 9:30 a.m., at the Roanoke County Administration Center, Fourth Floor Conference Room, 5204 Bernard Drive, Roanoke, Virginia, with Mayor Ralph K. Smith and Chairman Joseph P. McNamara presiding, for the purpose of discussing issues in connection with the purposed regional water and waste water authority.

ROANOKE CITY COUNCIL MEMBERS PRESENT: William D. Bestpitch, M. Rupert Cutler, C. Nelson Harris (arrived late) Linda F Wyatt (arrived late) and Mayor Ralph K. Smith-----5.

ABSENT: Council Members Alfred T. Dowe, Jr., and Beverly T. Fitzpatrick-----2.

ROANOKE COUNTY BOARD OF SUPERVISORS PRESENT: Michael W. Altizer, Joseph B. Church, Richard C. Flora, H. Odell Minnix, and Chair Joseph P. McNamara-----5.

ABSENT: None-----0.

STAFF PRESENT:

Representing the City of Roanoke: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; Mary F. Parker, City Clerk; Rolanda B. Russell, Assistant City Manager for Community Development; George C. Snead, Jr., Assistant City Manager for Operations; and Mike McEvoy, Director of Utilities.

Representing Roanoke County: Elmer C. Hodge, County Administrator; Paul M. Mahoney, County Attorney; Diane Hyatt, Director of Finance; Diane Childers, Clerk to the Board of Supervisors; John M. Chambliss, Assistant County Administrator; and Gary Robertson, Utilities Director.

The meeting was opened with a prayer by Mr. Chambliss.

WATER/AUTHORITY:

Mr. Hodge advised that at the last meeting on Friday, August 22, 2003, it was reported that the Articles of Incorporation would be the topic of the next joint session of the two governing bodies. He commended the two staffs for their ongoing efforts on behalf of the formulation of the proposed regional water and waste water authority and called upon Mr. Mahoney, County Attorney, for a discussion of the proposed Articles of Incorporation.

**Mr. Mahoney advised that some time ago, City Council and the Board of Supervisors indicated that they would like to hold a joint work session to review several issues regarding the Articles of Incorporation; therefore, the topics of authority board composition, terms of office of board members, name of the authority and other special provisions have been identified for discussion. He stated that one of the guiding principles set forth by the two governing bodies provides for equal representation which could result in tie votes that could cause an impasse to successful conclusion of public business. He called attention to discussion with regard to appointing an odd number of members to the Authority Board to serve as a tie breaker, who would participate in all deliberations and activities of the authority; and a seven member authority appears to be the consensus of the two governing bodies.**

**The Mayor advised that it is the consensus of Roanoke City Council that total Authority Board membership will consist of seven.**

**Mr. Mahoney advised that City Council would appoint three members and the Board of Supervisors would appoint three members to the Authority Board, and inquired as to the consensus of the two governing bodies as to how the seventh member would be appointed.**

**The Mayor advised that it is the consensus of Roanoke City Council that three members will be appointed from each locality, upon appointment of the six members they will decide on the seventh member, and at least two Roanoke City members and two Roanoke County members would recommend the seventh member, who would be ratified by the City Council and the Board of Supervisors.**

**Mr. Mahoney inquired, in the event that the six Authority Board members cannot agree on the seventh member, should the matter then go to the Circuit Court Judges to appoint the seventh person, or would the six members make a recommendation to the governing bodies on the seventh member, with the two governing bodies confirming or ratifying the seventh member.**

**There was discussion as to the timeframe for acting on the matter; whereupon, Mr. Mahoney advised that the attorneys are requesting input from the two governing bodies in order to prepare the final draft of the Articles of Incorporation, which will be presented to the two governing bodies at their meeting on November 19, 2003. He stated that on November 19, it is requested that the attorneys be authorized to advertise a legal notice for a public hearing in January 2004, and advised that another draft of the Articles of Incorporation will be prepared for review by the two governing bodies prior to the time that the matter is advertised for public hearing.**

**At 9:55 a.m., Council Member Wyatt entered the meeting and the Mayor declared the existence of a quorum of the Roanoke City Council.**

**It was the consensus of the Council and the Board of Supervisors that three members will be appointed by Roanoke City Council and three members will be appointed by the Roanoke County Board of Supervisors, the six members of the Authority Board will select the seventh member which will require ratification/confirmation by the City Council and the Board of Supervisors; and if the seventh member is not appointed in a timely manner, the seventh member will be appointed by the Circuit Court Judges.**

**There was discussion in regard to composition of the Authority Board; whereupon, Mr. Cutler advised that Roanoke City Council has tentatively agreed to appoint one Member of the Council, one member of the City's Executive Staff, one citizen with expertise in the subject area, and the seventh member would be a person well known to both City and County officials, who has either legal or engineering expertise.**

**The City Attorney advised that according to the time line previously presented to the Council and to the Board of Supervisors, it was proposed that both the Council and the Board of Supervisors would select their initial representatives by the November 19 meeting and the name of the seventh person would be submitted with the initial Articles of Incorporation to the State Corporation Commission on January 15, 2004; a public hearing will be held to adopt concurrent resolutions creating the Authority, which must be submitted to the State Corporation Commission, and within 30 - 60 days the Authority should be chartered and operational.**

**At 10:15 a.m., Vice-Mayor Harris entered the meeting.**

**It was the consensus that the City Council and the Board of Supervisors will share a short list of names of persons to be appointed by both localities to the Authority Board prior to the November 19, 2003, joint meeting of the two governing bodies.**

**Mr. Mahoney advised that once the State Corporation Commission grants a charter to the Authority in February-March, 2004, the Authority will be operational, the Authority will meet in April - May to establish water rates, effective July 1, 2004, and to adopt a budget and by-laws, etc.**



**The legal staff advised that by no later than mid to late December, the six members of the Authority Board should be appointed.**

**Questions were raised in regard to issues such as how often the Authority Board will meet, reimbursement to members for Authority-related expenses, conferences, orientation of members, etc.; whereupon, Mr. Mahoney advised that many of the issues are not addressed in the Articles of Incorporation, but are tasks that will occur in the November - January timeframe, and some of the issues will be addressed when the Authority Board adopts its by-laws which are required to be ratified, confirmed or approved by the State Corporation Commission.**

**Upon question, Mr. Mahoney advised that the initial draft of the Articles of Incorporation does not specify one elected official, one appointed person, or one citizen, which are appointment decisions that must be made by each governing body; and there is no intent to debate the process of making appointments.**

**There was discussion in regard to terms of office; whereupon, Mr. Hackworth advised that initial appointments in the proposed by-laws provide that one representative will be appointed from each locality for a four year term, one representative for a three year term, and one representative for a two year term, with the term of office of the seventh member to be taken into consideration when considering composition and rotation of members.**

**It was summarized that the intent of the discussion is to provide that initial elected officials will serve two year terms of office and will not be eligible for reappointment; staff persons will serve three year terms of office and will not be eligible for reappointment; and citizens will serve four year terms of office and will be eligible for reappointment, with a limit of two consecutive four year terms of office.**

**Following discussion and so as not to tie the hands of a future Board of Supervisors or City Council, Mr. Mahoney suggested that it be the consensus of the two governing bodies that the above referenced terms of office will be approved, but such will not be set forth in the Articles of Incorporation, and that such be recorded in the official minutes of the meeting.**

**With regard to the draft Articles of Incorporation, Mr. Mahoney advised that the super majority vote applies to: (1) adding new jurisdictions, (2) any kind of contract or agreement for the bulk sale of surplus water, or the acceptance or treatment of waste water; and (3) a recommendation by the six initial members of the Authority to appoint a seventh member. He inquired if there are other issues that would require a super majority vote.**

**No additional issues were mentioned.**

**The following names were suggested for the proposed regional water and waste water authority:**

**Regional Water Authority  
Aqua Source  
Western Virginia Water Authority**

**By consensus of the two governing bodies, Western Virginia Water Authority was selected as the name of the proposed regional water and waste water authority.**

**Mr. Robertson presented copy of the Water and Waste Water Authority Team Activity Report dated October 17, 2003.**

**(For full text, see report on file in the City Clerk's Office.)**

**The City Manager advised that a tremendous amount of work has been done and continues to be done by not only the management team, but employees in both the water and sewer operations of the City and the County who are committed to making the Authority a success. She stated that a number of issues still need to be addressed and will begin to come together over the next several months.**

**Mr. Hodge reported on regional meetings that were held in Roanoke City and Roanoke County, all of which were well planned, even though attendance could have been better. He stated that citizens who attended the meetings were supportive, they asked questions and listened to the presentations made by financial and engineering staff and they left the meetings with a better understanding of how the proposed arrangement will make both the City and the County systems stronger. He advised that additional meetings can be held in the spring of 2004 if that is the desire of the Council and the Board of Supervisors, and asked for guidance by the two governing bodies. He stated that additional information will be presented at the November 19, 2003 meeting on the rate study and schedule.**

**It was suggested that another round of public meetings be held with citizens prior to establishment of water rates.**

**Mr. Mahoney advised that a draft of the proposed Articles of Incorporation will be provided to the Council and to the Board of Supervisors at last two weeks prior to the November 19, 2003 meeting.**

**It was suggested that prior to adjourning the meeting, there should be a sense of understanding as to when the two governing bodies will exchange names of the six initial appointees to the Authority Board.**

**There being no further business, the Mayor declared the meeting adjourned at 10:55 a.m.**

**(The next joint meeting of the Council and the Board of Supervisors will be held on Wednesday, November 19, 2003, at 9:30 a.m., in the Emergency Operations Center Conference Room, Room 159, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke.)**

**A P P R O V E D**

**ATTEST**

**Mary F. Parker  
City Clerk**

**Ralph K. Smith  
Mayor**

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**SPECIAL SESSION-----ROANOKE CITY COUNCIL**

**October 15, 2003**

**3:15 p.m.**

**The Council of the City of Roanoke met in special session on Wednesday, October 15, 2003, at 3:15 p.m., in the Roanoke Civic Center Exhibit Hall, Parlor E, 710 Williamson Road, N. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Section 10, Meetings of Council, of the Charter of the City of Roanoke.**

**PRESENT: Council Members William D. Bestpitch, M. Rupert Cutler, C. Nelson Harris, Linda F. Wyatt (arrived late), and Mayor Ralph K. Smith-----5.**

**ABSENT: Council Members Alfred T. Dowe, Jr., and Beverly T. Fitzpatrick, Jr.-----2.**

**OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.**

**The meeting was called pursuant to the following communication from the City Manager:**

**“Pursuant to § 10 of the Charter of the City of Roanoke, I am calling a Special Meeting of Roanoke City Council. The Special Meeting will be held on Wednesday, October 15, 2003, at the Roanoke Civic Center in Parlor E. The purpose of the Special Meeting is to convene a closed meeting for the discussion of an award of a public contract involving the expenditure of public funds, pursuant to Section 2.2-3711.A.30, Code of Virginia (1950), as amended.”**

**Mr. Bestpitch moved that Council convene in closed session to discuss award of a public contract involving the expenditure of public funds, pursuant to Section 2.2-3711(A)(30), Code of Virginia, 1950, as amended. The motion was seconded by Mr. Harris and adopted by the following vote:**

**AYES: Council Members Bestpitch, Cutler, Harris, and Mayor Smith-----4.**

**NAYS: None-----0.**

**(Council Members Dowe and Fitzpatrick were absent.)**

**(Council Member Wyatt entered the meeting during the Closed Session.)**

**At 3:20 p.m., the Mayor declared the meeting in recess for one closed session.**

**At 4:30 p.m., the meeting reconvened in the Roanoke Civic Center Exhibit Hall, Parlor E, with Mayor Smith presiding and all Members of the Council in attendance, with the exception of Council Members Dowe and Fitzpatrick.**

**(Vice-Mayor Harris left the meeting during the Closed Session.)**

**CITY COUNCIL:** With respect to the Closed Meeting just concluded, Mr. Bestpitch moved that each Member of City Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which any Closed Meeting was convened were heard, discussed or considered by City Council. The motion was seconded by Mr. Cutler and adopted by the following vote:

**AYES:** Council Members Bestpitch, Cutler, Wyatt, and Mayor Smith-----**4.**

**NAYS:** None-----**0.**

**(Council Members Dowe, Fitzpatrick and Harris were absent.)**

**There being no further business, the Mayor declared the special meeting adjourned at 4:35 p.m.**

**A P P R O V E D**

**ATTEST:**

**Mary F. Parker**  
**City Clerk**

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**Ralph K. Smith**  
**Mayor**

**REGULAR WEEKLY SESSION----ROANOKE CITY COUNCIL**

**October 23, 2003**

**2:00 p.m.**

The Council of the City of Roanoke met in regular session on Thursday, October 23, 2003, at 2:00 p.m., the regular meeting hour, in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding, pursuant to Chapter 2, Administration, Article II, City Council, Section 2-15, Rules of Procedure, Rule 1, Regular Meetings, Code of the City of Roanoke (1979), as amended, and pursuant to Resolution No. 36414-070703 adopted by Council on Monday, July 7, 2003.

**PRESENT: Council Members Linda F. Wyatt, William D. Bestpitch, M. Rupert Cutler, Alfred T. Dowe, Jr., Beverly T. Fitzpatrick, Jr., C. Nelson Harris, and Mayor Ralph K. Smith-----7.**

**ABSENT: None-----0.**

**OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.**

**The Invocation was delivered by The Reverend Harry M. Miller, Jr., Pastor, Roanoke Valley Cathedral of Praise.**

**The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Ralph K. Smith.**

**PRESENTATION AND ACKNOWLEDGMENTS:**

**ACTS OF ACKNOWLEDGMENT-NATIONAL LEAGUE OF CITIES: The Mayor presented a \$1000.00 check to The History Museum and Historical Society of Western Virginia, in recognition of the City of Roanoke being selected as a winner of the 2003 James C. Howland Awards.**

**PROCLAMATIONS-DISABLED PERSONS: The Mayor presented a proclamation declaring the month of October 2003, as National Disability Employment Awareness Month.**

**PROCLAMATIONS-FIRE DEPARTMENT: The Mayor presented a proclamation declaring Sunday, October 26, 2003, as Change Your Clock, Change Your Battery Day.**

## **CONSENT AGENDA**

The Mayor advised that all matters listed under the Consent Agenda were considered to be routine by the Members of Council and would be enacted by one motion in the form, or forms, listed on the Consent Agenda, and if discussion was desired, that item would be removed from the Consent Agenda and considered separately. He called specific attention to one closed session.

**MINUTES:** Minutes of the regular meeting of Council held on Tuesday, September 2, 2003; and recessed until Friday, September 5, 2003, were before the body.

Mr. Cutler moved that the reading of the minutes be dispensed with and that the minutes be approved as recorded. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, and Mayor Smith-----7.

**NAYS:** None-----0.

**COMMITTEES-CITY COUNCIL:** A communication from Mayor Ralph K. Smith requesting that Council convene in a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended, was before the body.

Mr. Cutler moved that Council concur in the request of the Mayor to convene in a Closed Meeting as above described. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, and Mayor Smith-----7.

**NAYS:** None-----0.

**CITY COUNCIL-ROANOKE ARTS COMMISSION-HOUSING/AUTHORITY:** A report of qualification of Susannah Koerber as a member of the Roanoke Arts Commission, for a term ending June 30, 2006; and Joseph F. Lynn as a Commissioner of the Roanoke Redevelopment and Housing Authority, for a term ending August 31, 2007, was before Council.

Mr. Cutler moved that the report of qualification be received and filed. The motion was seconded by Mr. Bestpitch and adopted by the following vote:

**AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, and Mayor Smith-----7.**

**NAYS: None-----0.**

### **REGULAR AGENDA**

**PUBLIC HEARINGS: NONE.**

**PETITIONS AND COMMUNICATIONS: NONE.**

**REPORTS OF OFFICERS:**

**CITY MANAGER:**

**The City Manager introduced Gareth McAllister, Facilities Manager.**

**ITEMS RECOMMENDED FOR ACTION:**

**BUDGET-CITY INFORMATION SYSTEMS-SCHOOLS-WATER RESOURCES:** The City Manager submitted a communication advising that the Information Technology Committee (ITC) has completed review of technology projects and equipment needs throughout the City of Roanoke and developed a list of recommendations that were determined to meet the goals of the Information Technology Strategic Plan, as set forth in an attachment to the communication; and all items will be purchased in accordance with requirements as set forth in Chapter 23.1, Procurement, of The Code of the City of Roanoke, 1979, as amended.

It was further advised that the Department of Technology, an internal service fund, currently has retained earnings available for appropriation in the amount of \$1,125,000.00 that can be allocated for technology needs; and funding in the amount of \$1,566,635.00 is available from the following sources:

- |  |              |
|--|--------------|
| • Capital Funding included in the FY04 Technology Budget                               | \$541,338.00 |
| • Debt Service savings due to bond refunding   | 350,000.00   |
| • Water and Sewer Fund Retained Earnings   | 380,000.00   |
| (Replacement of utility billing systems server and fund 50% of Work Management System) |              |



• School Fund - Year 1 of 10 (total funding commitment of \$1.5 million for Financial Application Systems Project)	150,000.00
• Help America Vote Act grant funding for voting machines	100,000.00
• Reallocation of Existing Project Tracking System Funds	34,947.00
• Roanoke Valley Libraries (RVL)	10,350.00
<b>Total</b>	<b>\$ 1,566,635.00</b>
The total of all funding sources available for appropriation is \$ 2,691,635.00	

The City Manager recommended that Council adopt an ordinance to appropriate funds to new or existing project accounts to be established by the Director of Finance in order to support strategic technology needs and enhancements.

Mr. Harris offered the following ordinance:

(#36517-102303) AN ORDINANCE appropriating funding to various technology projects, amending and reordaining certain sections of the 2003-2004 General, Water, Water Pollution Control, Parking, Technology, and School Funds Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Harris moved the adoption of Ordinance No. 36517-102303. The motion was seconded by Ms. Wyatt and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, and Mayor Smith-----7.

NAYS: None-----0.

**POLICE DEPARTMENT-BUDGET-FIRE ARMS-GRANTS:** The City Manager submitted a communication advising that various law enforcement agencies often participate with the ATF in criminal investigations; and property seized in a criminal investigation, in which other law enforcement agencies participate, is divided among the ATF and participating agencies.

It was further advised that the City of Roanoke Police Department has received \$100,306.50 from ATF as its share of property seized as a result of a criminal investigation; revenue received is available for appropriation in Revenue Account No. 035-640-3335-3346 and must be used for training and equipment for the department; the City of Roanoke and Roanoke County are now working together in development of a regional driver training facility; up to \$70,000.00 of ATF revenue will be used to fund a portion of the City's share of development costs associated with the regional driving range; and the remainder of funds will be used for

equipment related purchases for the department.

It was stated that action by Council is required to appropriate funds to the Grant Fund - ATF line item expense accounts and to increase estimate revenues for same.

The City Manager recommended that Council appropriate funds totalling \$100,306.00 for the ATF One-time Deposit, and establish a revenue estimate in the same amount in Account No. 035-640-3335-3346 in the Grant Fund:

<u>Description</u>	<u>Object Code</u>	<u>Amount</u>
Construction - Other	9065	\$ 70,000.00
Equipment	9005	<u>30,306.00</u>
Total		\$100,306.00

Mr. Fitzpatrick offered the following ordinance:

(#36518-102303) AN ORDINANCE appropriating funds for the Alcohol, Tobacco, and Firearms Grant, amending and reordaining certain sections for the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36518-102303. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, and Mayor Smith-----7.

NAYS: None-----0.

**PARKS AND RECREATION-SCHOOLS:** The City Manager submitted a communication advising that the Parks and Recreation Department opened its first fitness center in partnership with the Roanoke Public Schools at Breckinridge Middle School in October 1997, which was followed by fitness center openings at Woodrow Wilson Middle School in November 1998, Addison Middle School in December 1999 and Jackson Middle School in February 2001; and the original agreement for Woodrow Wilson Middle School expired on October 14, 2003.

It was further advised that the Roanoke City Public Schools use the fitness room and equipment for physical education classes and sports conditioning; and the Parks and Recreation Department operates the facility as a fitness center, open to the general public during non-school hours.

It was explained that the current one year agreement with the Roanoke City School Board, with an option to renew for four additional one-year terms, expired on October 14, 2003; the current agreement was authorized by Council pursuant to Ordinance No. 34029-100798; minor revisions have been made to the current agreement; and it is requested that the revised agreement be continued for an additional term of one year, with an option to renew for up to four additional one-year terms, ending October 31, 2008.

The City Manager recommended that she be authorized to execute the necessary documents, in a form to be approved by the City Attorney, to continue operation of the Woodrow Wilson Middle School Fitness Center.

Mr. Harris offered the following resolution:

(#36519-102303) A RESOLUTION authorizing the City Manager to execute an agreement between the City of Roanoke School Board and the City of Roanoke, allowing the City to operate a fitness center at the Woodrow Wilson Middle School for use by the general public, upon certain terms and conditions.

(For full text of Resolution, see Resolution Book No. 68.)

Mr. Harris moved the adoption of Resolution No. 36519-102303. The motion was seconded by Mr. Dowe and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, and Mayor Smith-----7.

Nays: None-----0.

**BUDGET-GRANTS:** The City Manager submitted a communication advising that on September 25, 2003, the U. S. Department of Housing and Urban Development announced that the City of Roanoke had been awarded a \$1,543,704.00 grant for the Lead Hazard Control Grant Program, the goal of which is to forge partnerships between local government departments, public agencies, faith-based groups and community-based non-profit organizations to educate the community regarding the hazards of lead, and to identify and control lead-based paint in homes with children less than six years of age; the program will focus on three key objectives: outreach/education and training, health screening, and lead hazard control/abatement/reduction; and a Lead-Safe Advisory Council has been established to help guide implementation of the program.

It was further advised that the required 20 per cent matching funds level for the grant was exceeded and is comprised solely of in-kind support provided by participating departments and agencies; and the grant was authored and submitted in collaboration with Randall Funding and Development, Inc., the firm with which Council authorized execution of a contract for grant writing services.

It was explained that childhood lead poisoning is a serious problem in the City of Roanoke, especially in the urban core, which is the target of the program; one in 18 children younger than six years of age who were diagnosed in Virginia between 1995 and 2001 as having contracted lead poisoning came from the City of Roanoke; almost all of the housing stock in the inner City's neighborhoods was built before 1978, the year that lead-containing paint was banned; housing age and socioeconomic conditions in these areas contribute to the high level of risk for childhood lead poisoning; and the Lead Hazard Control Grant Program will educate the public about the issue of lead and how to keep children safe, test at least 1,000 children younger than six for lead poisoning, provide at least 500 lead-safe cleaning kits to residents, provide grants to property owners to abate or to neutralize 100 housing units occupied by one or more children younger than six years of age, and purchase a small, mobile house, which can be used to demonstrate how to keep clean a home with lead-based paint.

The City Manager recommended that she be authorized to accept the grant award and to execute the grant agreement and other related documents, to be approved as to form by the City Attorney, and establish revenue and expenditure estimates of \$1,543,704.00 in the Grant Fund in an account to be established by the Director of Finance entitled, "Lead Hazard Control Grant".

Mr. Dowe offered the following ordinance:

(#36520-102303) AN ORDINANCE appropriating funds for the Lead Hazard Control Grant, amending and reordaining certain sections of the 2003-2004 Grant Fund Appropriations, and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Dowe moved the adoption of Ordinance No. 36520-102303. The motion was seconded by Mr. Cutler.

Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., inquired if a program is available for abatement of lead in its entirety. She advised that as persons travel throughout the City of Roanoke and Roanoke County, the air they breath is constantly being polluted.

Mr. Cutler advised that the Environmental Protection Agency required the manufacturers of gasoline to remove tetra ethyl lead from gasoline several years ago, therefore, there is far less lead emission in the environment.

Ordinance No. 36520-102303 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, and Mayor Smith-----7.

NAYS: None-----0.

**Mr. Fitzpatrick offered the following resolution:**

**(#36521-102303) A RESOLUTION authorizing the acceptance of a grant from the United States Department of Housing and Urban Development, in the amount of \$1,543,704.00, for the Lead Hazard Control Grant Program; and authorizing the City Manager to execute the requisite grant agreements.**

**Mr. Fitzpatrick moved the adoption of Resolution No. 36521-102303. The motion was seconded by Mr. Dowe and adopted by the following vote:**

**AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, and Mayor Smith-----7.**

**NAYS: None-----0.**

**POLICE DEPARTMENT-CITY CODE: The City Manager submitted a communication advising that the Roanoke Police Academy, located at The Jefferson Center, a Virginia Department of Criminal Justice Services (DCJS) certified independent criminal justice academy, currently operates in limited space; space confinement forces the Academy to conduct classes off campus, to use current space for completing multiple functions, and makes it impossible for the Academy to expand; therefore, relocation of the Academy has become necessary and essential for continued success in providing mandated training in a timely manner.**

**It was further advised that funds need to be identified for expenses associated with relocation of the Academy; a possible source for such funding can be found in Section 9.1-106, Code of Virginia, (1950), as amended, concerning criminal justice training academy fees, which was amended and reenacted on April 2, 2003, (House Bill 2511, Senate Bill 1345); effective July 1, 2003, Section 9.1-106 Code of Virginia, states that upon conviction of citizens for certain traffic and criminal charges, certain fees as provided in Sections 16.1-69.48.1, 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, and 17.1-275.9 will be assessed as court cost; and the amount collected, in whole or in part, for the fixed fee is being apportioned, as provided by law, with the Regional Criminal Justice Training Academy Fund receiving a share; and the State's fee is currently set at \$1.00.**

**It was explained that Section 9.1-106 also authorizes localities, including the City of Roanoke, which do not participate in a regional training academy and operate a certified independent criminal justice academy as of January 1, 2003, to charge similar in nature fees; however, it mandates that any and all funds from such local fee shall support the certified independent local criminal justice academy; other localities were surveyed as to eligibility and to determine fees charged; and of those localities which qualify and have enacted a fee, Chesapeake, Chesterfield County, and Richmond charge a fee of \$1.00, while Virginia Beach has enacted a \$5.00 fee.**

**It was noted that based on and pursuant to Section 9.1-106 of the Code of Virginia, the City Attorney has prepared an ordinance, which provides for an effective date of November 1, 2003, and for the assessment of \$3.00 to be imposed**

in every case in which costs are assessable; the Clerks of the District and Circuit Courts will charge and collect the assessment as a part of bills taxed as costs; and after collections by the Clerk of the Court in which the case is heard, the assessment will be remitted to the City Treasurer and held subject to appropriation by Council.

It was advised that projected City revenues from the additional assessment are currently estimated to be approximately \$54,000.00 per year and would be used to help fund expenses associated with relocation of the academy; Roanoke County Police Department recruits also attend the academy; and since Roanoke County does not qualify for a new fee, the County has agreed to share in the expenses of developing a new academy, the cost of which has yet to be determined.

The City Manager recommended that Council adopt an ordinance amending The Code of the City of Roanoke, 1979, as amended, to reflect amendments to Section 9.1-106 of the Code of Virginia, 1950, as amended, thereby providing for a \$3.00 assessment fee to be imposed in every court case in which costs are assessable, with funds collected to be used solely for relocation of the Roanoke Training Academy, effective November 1, 2003.

Mr. Harris offered the following ordinance:

(#36522-102303) AN ORDINANCE amending Chapter 1, General Administration, of the Code of the City of Roanoke (1979), as amended, by the addition of a new §123, Assessment of court costs to support local criminal justice academy, providing for assessment by the City of a fee to provide funding to support the City's criminal justice academy, pursuant to §9.1-106, Code of Virginia (1950), as amended; dispensing with the second reading of this ordinance and providing for an effective date.

(For full Ordinance, see Ordinance Book No. 68.)

Mr. Harris moved the adoption of Ordinance No. 36522-102303. The motion was seconded by Mr. Fitzpatrick.

Mr. E. Duane Howard, 508 Walnut Avenue, S. W., expressed concern that citizens were not advised of the proposed fee increase prior to the matter appearing on the City Council agenda. He advised that the proposed fee will represent another tax that the City administration is recommending to be placed on the citizens of Roanoke, and requested that Council delay action on the proposed fee to allow time for the matter to be presented to the citizens of Roanoke.

Ordinance No. 36522-102303 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, and Mayor Smith-----7.

NAYS: None-----0.

**DIRECTOR OF FINANCE:**

**HOUSING/AUTHORITY-CENTURY STATION PARKING GARAGE:** The Director of Finance submitted a written report advising that in 1992, the City of Roanoke entered into a capital lease with the Roanoke Redevelopment and Housing Authority (Housing Authority) for the lease of Century Station Parking Garage; the Housing Authority, in turn, issued taxable revenue bonds to finance construction of the facility; bonds were due to mature in 2022, bearing interest of 9.15 per cent; the lease exercised between the City and the Housing Authority established monthly lease payments from the City which would cover required payments to bondholders; and the agreement provided the City with the opportunity to exercise a bargain purchase option at the end of the lease term to acquire title to the garage.

It was further advised that in July, the City fully paid the outstanding lease amount to the Housing Authority; the Authority, in turn, used the funding to redeem outstanding bonds, which was made to eliminate future interest cost on the bonds; a significant savings was created in light of the relatively high interest rate on the taxable revenue bonds, redemption of the bonds was funded by debt service funding which has been accumulated in the City's General Fund in anticipation of future bond issuance; interest cost avoidance of \$1.9 million is estimated as a result of the redemption of the indebtedness; and as a result of redemption of the capital lease and associated bonds, the lease agreement may now be terminated, and the City may take title to the property in accordance with stipulations as set forth in the lease agreement.

The Director of Finance recommended termination of the lease agreement dated March 23, 1992, between the City of Roanoke and the Housing Authority for lease of the Century Station Parking Garage; that the City Manager be authorized to accept conveyance of the garage to the City with general warranty to title, subject to all easements and encumbrances of record, after an acceptable environmental audit is completed, and to execute any necessary documents to terminate the existing lease of the property from the Roanoke Redevelopment and Housing Authority.

Mr. Harris offered the following ordinance:

(#36523-102303) AN ORDINANCE authorizing the termination of the Lease Agreement dated March 23, 1992, between the City of Roanoke Redevelopment and Housing Authority and the City of Roanoke, and any subsequent amendments thereto, for the Century Station Parking Garage; authorizing acceptance of the conveyance by the City of Roanoke Redevelopment and Housing Authority of such garage located at 25 Church Avenue, S. E., bearing Official Tax No. 4015004 to the City; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Harris moved the adoption of Ordinance No. 36523-102303. The motion was seconded by Mr. Fitzpatrick.

Mr. Bestpitch inquired as to the net effect on the City's fiscal year budget; whereupon, the Director of Finance advised that approximately \$1.9 million will be saved in future debt interest payments, or approximately \$360,000.00 per year.

Ordinance No. 36523-102303 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, and Mayor Smith-----7.

NAYS: None-----0.

**REPORTS OF COMMITTEES:**

**BUDGET-SCHOOLS:** A communication from the Roanoke City School Board requesting that Council approve a State Literary Fund loan application, in the amount of \$7.5 million, for improvements to Patrick Henry High School, which will increase the School Board's debt service expenditure by \$600,000.00, commencing in fiscal year 2005-06, but no debt service liability will be incurred until funds are drawn against the loan account, was before the body.

A report of the Director of Finance recommending that Council concur in the request of the School Board, was also before Council.

Mr. Dowe offered the following resolution:

(#36524-102303) A RESOLUTION authorizing the School Board for the City of Roanoke to make application for a loan from the State Literary Fund making permanent improvements to Patrick Henry High School.

(For full text of resolution, see Resolution Book No. 68.)

Mr. Dowe moved the adoption of Resolution No. 36524-102303. The motion was seconded by Mr. Cutler and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, and Mayor Smith-----7.

NAYS: None-----0.

**BUDGET-SCHOOLS:** A communication from the Roanoke City School Board requesting that Council approve the following appropriations and transfers, was before the body.



- \$669,581.00 from the 2003-2004 Capital Maintenance and Equipment Replacement Fund to provide monies for instructional technology equipment.
- \$499,526.00 to provide funds for the Smaller Learning Community program at William Fleming High School; the program will provide for training of staff and establishment of smaller student learning communities within the high school, to be reimbursed by Federal funds.
- \$53,644.00 to provide funds for the Blue Ridge Technical Academy; the program will provide a business and technical education training program for a diverse population of students through a rigorous and challenging academic curriculum; and additional Federal charter school funds have been received for this continuing program.

A report of the Director of Finance recommending that Council concur in the request of the School Board, was also before the body.

Mr. Harris offered the following ordinance:

**(#36525-102303) AN ORDINANCE appropriating funding from the Capital Maintenance and Equipment Replacement Program (CMERP) and from two Federal grants, amending and reordaining certain sections of the 2003-2004 School Fund Appropriations and dispensing with the second reading by title of this ordinance.**

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Harris moved the adoption of Ordinance No. 36525-102303. The motion was seconded by Mr. Dowe.

Council Member Cutler inquired about the Smaller Learning Community Program at William Fleming High School; whereupon, Crystal Cregger, Manager of Purchasing of Contract Services, Roanoke City Public Schools, advised that more information will be forwarded.

Ordinance No. 36525-102303 was adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Cutler Dowe, Fitzpatrick, Harris, and Mayor Smith-----7.

**NAYS:** None-----0.

**UNFINISHED BUSINESS: NONE.**

**INTRODUCTION AND CONSIDERATION OF ORDINANCES AND RESOLUTIONS:**

**COMMITTEES-INDUSTRIES:** Mr. Dowe offered the following resolution appointing F. Gordon Hancock as a Director on the Board of Directors of the Industrial Development Authority of the City of Roanoke:

(#36526-102303) A RESOLUTION appointing a new Director of the Industrial Development Authority of the City of Roanoke, to fill a four (4) year term on the Board of Directors.

Mr. Dowe moved the adoption of Resolution No. 36526-102303. The motion was seconded by Mr. Harris and adopted by the following vote:

**AYES:** Council Members Wyatt, Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, and Mayor Smith-----7.

**NAYS:** None-----0.

**MOTIONS AND MISCELLANEOUS BUSINESS:**

**INQUIRIES AND/OR COMMENTS BY THE MAYOR, VICE-MAYOR AND MEMBERS OF CITY COUNCIL:**

**ACTS OF ACKNOWLEDGMENT-CITY COUNCIL-ECONOMIC DEVELOPMENT:** Council Member Wyatt advised that she participated in a recent tour of the City of Roanoke with the Assistant City Manager for Community Development, along with an individual who is interested in constructing a head trauma facility in the City. She stated that the individual was impressed with the City of Roanoke and referred to Roanoke as the “best kept secret on the East Coast.” She advised that it is gratifying to hear positive remarks by out of state visitors on the beauty of the City of Roanoke and what the locality has to offer.

**BUDGET-CITY COUNCIL:** Vice-Mayor Harris referred to a letter setting forth proposed budget study dates for fiscal year 2004, and asked that Council Members advise the City Clerk of any conflicts by October 29, 2003.

**POLICE DEPARTMENT-SCHOOLS:** Vice-Mayor Harris, Chair, Organizing Committee, School Safety Task Force, presented a progress report on the work of the committee to date.

- The Organizing Committee consists of eight persons: Vice-Mayor C. Nelson Harris, Chair, Council Member Linda F. Wyatt, City Manger Darlene Burcham, Police Chief Joe Gaskins, Roanoke City School Board Chair Gloria Manns,

**Roanoke City School Board Trustee Kathy Stockburger, Superintendent of Schools E. Wayne Harris, and Executive for Student Services Ann F. Harman**

- **The Organizing Committee was charged with the responsibility of formulating a task force and developing a process by which the task force would begin its work.**
- **The Organizing Committee believes that it is important that it not be the group to select members of the task force; therefore, various organizations, faculty, Parent-Teacher Associations, students and other constituency groups were invited to select their representative(s). (A number of teachers at all levels, students, parents, and a person recommended by the Immigration Office will be represented. Membership will consist of a diverse group of individuals, all whom have a vested interest, either personally or professionally, in the operation of the school system.)**
- **Membership of the task force will be finalized within one week.**
- **The Organizing Committee agreed to engage the services of a facilitator to keep the task force on track.**
- **The Organizing Committee will be present at the initial meeting of the task force as an indication of support and to set the tone for the work that is to be done; and the Organizing Committee will then leave the task force to complete its assignment.**
- **The Organizing Committee will receive the final report of the task force and forward recommendations to the Council and to the School Board.**

- The task force will be involved in a number of activities in addition to regular meetings; and the public will be afforded the opportunity to share ideas and to provide input.
- The first meeting of the task force will be held on November 11, 2003, at 7:00 p.m., in the Community Room at the Higher Education Center.
- At the time of formation of the task force, it was indicated that the task force would complete its assignment by December 31, 2003; however, given the time that was taken by the Organizing Committee to address various issues and to solicit representatives from the various organizations, the task force will complete its assignment in approximately a 15 week period, with a final report to be submitted in February 2004.
- Composition of the task force will be provided to the Council within one week.

**VIRGINIA MUNICIPAL LEAGUE-CITY MARKET-ACTS OF ACKNOWLEDGMENT:** Council Member Bestpitch commended and expressed appreciation to City staff who volunteered their time for the Virginia Municipal League Host City Night which was held on Monday, October 20, 2003, on the City Market.

**PARKS AND RECREATION-ACTS OF ACKNOWLEDGMENT-TREES:** Council Member Bestpitch advised that as a part of the City's Urban Forestry Program, he was pleased to plant the inaugural tree earlier in the day in Highland Park in memory of his two grandfathers. He encouraged citizens of Roanoke to plant a tree on public property in the City of Roanoke to commemorate a special event, or in memory of a loved one.

**VIRGINIA MUNICIPAL LEAGUE-ACTS OF ACKNOWLEDGMENT:** Council Member Cutler recognized the work of City employees in connection with the Virginia Municipal League Annual Conference, and as authors of well written articles that were published in the VML Magazine, *Virginia Town and City*, which highlighted the City of Roanoke.

**ACTS OF ACKNOWLEDGMENT-NEWSPAPERS:** Council Member Dowe congratulated The Roanoke Times upon the grand opening of its new print facility last week.

(Council Member Wyatt left the meeting.)

**HEARING OF CITIZENS UPON PUBLIC MATTERS:** The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

**COMPLAINANTS-ARMORY/STADIUM-ENVIRONMENTAL POLICY:** Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., spoke with regard to leadership and character. She advised that citizens have been told that hazardous waste material is buried on the proposed site of the new stadium/amphitheater on Orange Avenue and Williamson Road; whenever citizens believe that their lives and the lives of future generations may be endangered by hazardous waste materials, it is their responsibility to bring the matter to the Council's attention, and it is the responsibility of Council to resolve the issue; therefore, the citizens of Roanoke ask that the site be tested to ensure that it is environmentally safe.

**COMPLAINTS-ARMORY/STADIUM-HOUSING AUTHORITY-ENVIRONMENTAL POLICY:** Ms. Helen E. Davis, 35 Patton Avenue, N. E., spoke with regard to the disappointment of many citizens concerning the individual votes of Council Members on the proposed new stadium/amphitheater on Orange Avenue and Williamson Road, and asked that the City ensure that the site is safe through performance of an environmental impact assessment. She advised that residents of Lincoln Village/Lincoln Terrace are experiencing serious maintenance problems and are concerned that storm/screen doors have not been installed on housing units. She stated that as representatives of the Lincoln Congress work with Congressman John Warner's Office, it is believed that the issue will be addressed.

**CITY MANAGER COMMENTS:**

**VIRGINIA MUNICIPAL LEAGUE-ACTS OF ACKNOWLEDGMENT-WATER RESOURCES:** The City Manager expressed appreciation to those City employees who volunteered their time for a successful Virginia Municipal League Host City Night on Monday, October 20, 2003, on the City Market. She advised that as a part of the Annual Conference, a tour was conducted of the City's new water filtration system and plant at Crystal Spring and the restored pumping station.

At 3:20 p.m., the Mayor declared the meeting in recess for one City Manager briefing and one Closed Session.

**At 3:25 p.m., the Council meeting reconvened in the Council's Conference Room for one briefing.**

**ZONING: The City Manager introduced a briefing on the Zoning Ordinance update as some relates to supplemental regulations.**

**Nancy Snodgrass, City Planner II, advised that supplemental regulations are regulations that apply to specific uses, structures or facilities that are applied in addition to applicable district regulations and general development standards.**

- **The following uses constitute a need for Supplemental Regulations: traffic, circulation on site, setbacks, screening, proximity to similar facilities, density, and impacts on adjacent properties.**
- **Examples of uses subject to supplemental regulations are adult uses, bed and breakfast, day care facilities, junk yards, mini-warehouses, towing service, townhouses, wrecker service, drive-through facilities, telecommunications, home occupations, and group care facilities.**
- **Drive-through facilities:**

**Current Code: No supplemental regulations  
Draft:**

**Supplemental regulations applicable to any drive- through facility (fast food, pharmacy, bank, dry cleaners)**

**Permit by right rather than by special exception subject to supplemental standards**

**Purpose of supplemental regulations:**

**Minimize impact of vehicular traffic**

**Promote safe, on-site vehicular and pedestrian circulation**

**Minimize negative impacts on abutting residential properties**

**Proposed regulations:**

**Minimum number of stacking spaces (five per window)**

**Stacking lane design and articulation**

**Access to parking spaces**

**Circulation aisles or pedestrian movement**

**Separation of vehicles**

**Location of menu boards and speakers relative to residential zoned properties**

**Size and screening of menu boards:**

**Maximum 30 square feet**

**Maximum six feet in height**

**Screened from public street and residential zoned properties**

• **Telecommunications Facilities/Broadcasting Towers:**

**Current Code: No supplemental regulations; permitted by special exception**

**Draft: Supplemental regulations to promote collocation and minimize impacts; permitted by special exception**

**Includes telecommunications towers and radio/television broadcasting towers**

**Purpose:**

**Encourage collocation of equipment**

**Establish buffering and compatibility standards**

**Protect character of residential districts**

**Provide for removal of discontinued towers**

**Proposed regulations:**

**Towers to accommodate at least three other providers**

**Maximum height of tower and associated antenna a condition of special exception, but in no case to exceed 199 feet**

**Setbacks to conform to underlying zoning district regulations, but no facility or tower abutting a residential district to be set back less than 50 feet or 40 per cent of height of tower, whichever is less**

**Dismantling/removal of towers:**

**Within 90 days of not being used**

**Bond or performance guarantee may be required**

**Fee for independent analysis**

**Applicant to provide:  
Computerized terrain analysis**

**Accurate to scale, photographic simulations**

**Balloon test or other visibility-related test**

• **Home Occupations:**

**Current Code: Includes supplemental regulations**

**Only family residents, except personal service**

**25 per cent of gross floor area**

**No change in outside appearance**

**No visible display of goods**

**Within principal dwelling**

**No outdoor storage**

**Draft:**

**Maintain integrity of surrounding residential uses**

**Ensure sufficient flexibility for residents with home occupation permits**

**Clarify issues existing in current code**

**Existing Issues:**

**Employee from outside home**



**Amount of gross floor area**

**Principal vs. accessory structure**

**More definitive standards**

**Trips to the home**

**Proposed regulations:**

**Home occupations by right**

**Personal service home occupations by special exception**

**Personal Service home occupation (by special exception)**

**25 per cent, or 250 square feet, of finished floor area**

**one entrance**

**one client at a time**

**one outside employee**

**Home occupation (by right)**

**No more than 20 per cent of finished floor area**

**No employee from outside**

**Conducted entirely within principal structure**

**No signs or change in outside appearance**

- **Group Care Facilities:**

**Current Code:**

**Supplemental regulations to ensure compatibility with neighborhood and to establish quality of service to users of facilities. Delineates requirements between lower density residential districts and higher density residential or commercial districts**

**Draft: Clarify definitions**

**Protected class**

**Group care facilities subject to regulations**

**Groupcare home**

**Halfway house**

**Congregate home**

**Nursing home**

**Transitional living facility**

**Proposed regulations:**

**Maintain 1,500 feet spacing requirement**

**Maximum occupant ratio by district**

**Open space per occupant**

**Buffering of on-site parking and exterior activity areas from adjoining properties**

**At 4:20 p.m., the Council convened in Closed Session in the Council's Conference Room.**

**At 5:20 p.m., the meeting reconvened in the Council Chamber, with all Members of the Council in attendance, except Council Member Wyatt, Mayor Smith presiding.**

**COUNCIL:** With respect to the Closed Meeting just concluded, Mr. Bestpitch moved that each Member of Council certify to the best of his or her knowledge that: (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act; and (2) only such public business matters as were identified in any motion by which an Closed Meeting was convened were heard, discussed or considered by the City Council. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

**AYES:** Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, and Mayor Smith-----6.

**NAYS:** None-----0.

**(Council Member Wyatt was absent.)**

**COMMITTEES-ARCHITECTURAL REVIEW BOARD:** The Mayor advised that there is a vacancy on the Architectural Review Board; whereupon, he opened the floor for nominations.

Mr. Harris placed in nomination the name of Jon Stephenson.

There being no further nomination, Mr. Stephenson was appointed as a member of the Architectural Review Board, for a term ending October 1, 2007, by the following vote:

**FOR MR. STEPHENSON:** Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, and Mayor Smith-----6.

(Council Member Wyatt was absent.)

**OATHS OF OFFICE-YOUTH-COMMITTEES:** The Mayor advised that the three year term of office of Krista Blakeney as a member of the Youth Services Citizen Board expired on May 31, 2003; whereupon, he opened the floor for nominations to fill the vacancy.

Mr. Harris placed in nomination the name of Krista Blakeney.

There being no further nominations, Ms. Blakeney was reappointed as a member of the Youth Services Citizen Board, for a term ending May 31, 2006, by the following vote:

**FOR MS. BLAKENEY:** Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, and Mayor Smith-----6.

(Council Member Wyatt was absent.)

**COMMITTEES-CABLE TELEVISION:** Mr. Harris moved that Council concur in the appointment of Laurie Wood, Public Information Specialist, as the City Manager's designee to the Roanoke Regional Cable Television Committee.

**COMMITTEES-ROANOKE CIVIC CENTER-OATHS OF OFFICE:** The Mayor advised that there is a vacancy on the Roanoke Civic Center Commission for a term ending September 30, 2006; whereupon, he opened the floor for nominations.

Mr. Harris placed in nomination the name of Debbie Conner.

There being no further nominations, Ms. Conner was appointed as a member of the Roanoke Civic Center Commission for a term ending September 30, 2006, by the following vote:

**FOR MS. CONNER: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, and Mayor Smith-----6.**

**(Council Member Wyatt was absent.)**

**Inasmuch as Ms. Conner is not a resident of the City of Roanoke, Mr. Harris moved that the City residency requirement be waived. The motion was seconded by Mr. Dowe and adopted.**

**COMMITTEES-ROANOKE VALLEY RESOURCE AUTHORITY-OATHS OF OFFICE: The Mayor advised that the four year term of office of Bittle W. Porterfield, III, as a member of the Roanoke Valley Resource Authority will expire on December 31, 2003; whereupon, he opened the floor for nominations to fill the vacancy.**

**Mr. Harris placed in nomination the name of Bittle W. Porterfield, III.**

**There being no further nominations, Mr. Porterfield was reappointed as a member of the Roanoke Valley Resource Authority for a term ending December 31, 2007, by the following vote:**

**FOR MR. PORTERFIELD: Council Members Bestpitch, Cutler, Dowe, Fitzpatrick, Harris, and Mayor Smith-----6.**

**(Council Member Wyatt was absent.)**

**At 5:25 p.m., the Mayor declared the meeting in recess until 7:00 p.m., in the City Council Chamber.**

**At 7:00 p.m., on Thursday, October 23, 2003, the Council meeting reconvened in the City Council Chamber, fourth floor, Noel C. Taylor Municipal Building, 215 Church Avenue, S. W., City of Roanoke, Virginia, with Mayor Ralph K. Smith presiding.**

**PRESENT: Council Members William D. Bestpitch, M. Rupert Cutler, Beverly T. Fitzpatrick, Jr., C. Nelson Harris, Linda F. Wyatt and Mayor Ralph K. Smith-----6.**

**ABSENT: Council Member Alfred T. Dowe, Jr.-----1.**

**OFFICERS PRESENT: Darlene L. Burcham, City Manager; William M. Hackworth, City Attorney; Jesse A. Hall, Director of Finance; and Mary F. Parker, City Clerk.**

**The meeting was opened with prayer by Mayor Smith.**

The Pledge of Allegiance to the Flag of the United States of America was led by Mayor Smith.

#### **PUBLIC HEARINGS:**

**ZONING:** Pursuant to Ordinance No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Thursday, October 23, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of Murray E. and Patricia B. Joiner to amend proffered conditions presently binding upon a tract of land located at 3034 Brambleton Avenue, S. W., Official Tax No. 1650903, as set forth in Ordinance No. 35218-030501, adopted by Council on March 5, 2001, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, October 3, and Friday, October 10, 2003.

The City Planning Commission submitted a written report advising that the subject property, which consists of 1.103 acre, is located near the City limits and has 159 feet of frontage on Brambleton Avenue; a 1,311-square foot, one story single-family residential structure is located on the site; the wood frame, vinyl-sided house was constructed in 1943; as a part of the conditional C-2 rezoning approved in 2001, the petitioner proposed to permit the operation of a C-2 commercial use, limited by proffer, in the existing house on the site; and with the current petition to amend proffers, the petitioner plans to demolish the residential structure for the purpose of constructing of an office building as conditioned by the new proffers.

It was further advised that the request to amend proffered conditions is consistent with Vision 2001-2020's policies of encouraging commercial development in appropriate areas and utilizing more fully the City's commercial sites, while protecting the integrity of existing residential neighborhoods; and the subject property is appropriate for office use as limited by the proffered conditions, which address development and use of the property in relation to the adjacent residential neighborhood.

- The proffered conditions related to square footage and height of the proposed building are appropriate and comparable in terms of intensity (size, scale, and floor area ratio) of development that currently exists along this section of Brambleton Avenue.
- Establishment of a vegetative landscape buffer, including the retention of existing trees within 25-feet deep buffer yards along the eastern boundary and the rear of the property, minimize any conflict between the residential neighborhood and proposed office development.
- The proffered office uses are consistent with the commercial node and are compatible with the adjacent residential neighborhoods.

Given the proffered uses, the City Planning Commission recommended that Council approve the requested amendment of proffers.

Mr. Harris offered the following ordinance:

(#36527-102303) AN ORDINANCE to amend §§36.1-3 and 36.1-4, Code of the City of Roanoke, (1979), as amended, and Sheet No. 165, Sectional 1976 Zone Map, City of Roanoke, in order to amend certain conditions presently binding upon certain property previously conditionally zoned from RS-3, Single-Family Residential District, to C-2, General Commercial District; and dispensing with the second reading by title of this ordinance.

(For full text of Ordinance, see Ordinance Book No. 68.)

Mr. Harris moved the adoption of Ordinance No. 36257-102303. The motion was seconded by Mr. Cutler.

Sean Horn, representing Balzar and Associates, and the petitioner, appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or comments by Council Members, Ordinance No. 36527-102303 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Fitzpatrick, Harris, and Mayor Smith-----6.

NAYS: None -----0.

(Council Member Dowe was absent.)

**STREETS AND ALLEYS:** Pursuant to Ordinance No. 35523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Thursday, October 23, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of Member One Federal Credit Union to permanently vacate, discontinue and close a portion of Gilmer Avenue, N. E., running in a westerly direction from 4<sup>th</sup> Street to an existing cul-de-sac, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, October 3, 2003, and Friday, October 10, 2003.

The City Planning Commission submitted a written report advising that the petitioner requests closure of a portion of Gilmer Avenue, N. E., lying between two of its parcels of land; the petitioner has operated a branch credit union on Official

**Tax No. 3015008 since 1987; the petitioner purchased the adjoining property, Official Tax No. 3014017 on July 15, 2003; asbestos removal from the hotel building on Official Tax No. 3014017 has been completed, and demolition of the structure is currently underway.**

**It was further advised that vacation of the portion of Gilmer Avenue would allow the petitioner to combine the adjoining parcels into one contiguous site for further development; the petitioner plans to build an addition to the existing building which will span part of what is now Gilmer Avenue; and the concept plan illustrates the following:**

- Phase 1 (March 2004 - September 2004) - Construction of a four story parking deck that will provide 200 spaces.**
- Phase 2 (July 2004 - November 2004) - Construction of a two-story branch building with a drive through.**
- Phase 3 (November 2004 - May 2005) - Construction of a four-story “connector” building with an atrium onto its existing building.**
- Phase 4 (March 2005 - October 2005) - Construction of a two or three-story addition onto structures built in Phases 1 and 3.**

**It was explained that the subject portion of Gilmer Avenue was part of the early street grid of the City, yet is no longer connected to the Gainsboro neighborhood due to development of Interstate 581 and the Roanoke Civic Center; thus, it is not fully interconnected in the street system; closure of the subject portion of Gilmer Avenue and the proposed development will not result in any inconvenience or disruption to vehicular circulation; and the cul-de-sac of Gilmer Avenue does not further the urban street design standards promoted by the City in Vision 2001 - 2020.**

**It was noted that while the petitioner’s proposal will eliminate several on-street parking spaces, the addition of a parking garage will minimize the amount of surface parking on the site; at present, the entire surface area of Official Tax No. 3014017 is paved; the petitioner’s existing building on Official Tax No. 3015008 has close to a zero lot line on the western and southern sides, with parking to the rear, and building an addition onto the existing building will require most of the surface parking to remain at the rear of the site; the proposal will further the economic development goals of Vision 2001-2020; and prior to Council’s consideration of the petition, an agreement will be developed between the City of Roanoke and the petitioner to ensure performance of the proposed development activities within specified time frames.**

**The City Planning Commission recommended that the portion of Gilmer Avenue, N. E., requested for closure, be sold for \$2.50 per square foot (or \$66,300.00) if no performance agreement is proposed when the matter is heard by Council.**

**Mr. Harris offered the following ordinance:**

**(#36528-102303) AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.**

**(For full text of Ordinance, see Ordinance Book No. 68.)**

**Mr. Harris moved the adoption of Ordinance No. 36528-102303. The motion was seconded by Mr. Fitzpatrick.**

**Mr. C. John Renick, Attorney, representing the petitioner, advised that since the City Planning Commission's hearing, the hotel that was located contiguous to Gilmer Avenue has been demolished and his client wishes to proceed as soon as possible with the total project; and a performance agreement was drafted by the City Attorney's Office and the letter of credit will be delivered to the City at the time of execution of the performance agreement. He further advised that conditions as set forth by the City Planning Commission have been fulfilled with regard to a conceptual plan and are agreeable to the City and to Member One; therefore, he requested that Council approve the request for closure.**

**The Mayor inquired if there were persons present who would like to speak in connection with the public hearing; whereupon, Ms. Evelyn D. Bethel, 35 Patton Avenue, N. E., inquired as to the precise location of the property.**

**No other persons wishing to be heard, the Mayor declared the public hearing closed.**

**The City Manager submitted a communication advising that Member One Federal Credit Union located at 202 4<sup>th</sup> Street and 320 Kimball Avenue, N. E., is currently planning to expand its corporate operations; as such, Member One has sought to have a portion of Gilmer Avenue vacated (area of Gilmer Avenue, N. E., that intersects with 4<sup>th</sup> Street, situated between Official Tax Nos. 3015008 and 3014017), inasmuch as vacation of such portion of Gilmer Avenue will allow Member One to combine adjoining parcels into one contiguous site and permit development and expansion of Member One's downtown facilities; and if Council approves the street vacation, Member One plans to build additional structures on the site, including an addition to its existing building, which will provide for a span across part of the street vacation area.**

**It was further advised that the street vacation will allow Member One to make a significant investment in the downtown area and provide for the retention of job positions at its current location and approximately 75 new job positions are anticipated to be added; in anticipation of business expansion, Member One has requested that the City of Roanoke provide for the street vacation at no charge to Member One, provided that Member One will make an investment in the project; City**



staff has negotiated a performance agreement with Member One which provides that Member One will make a minimum investment in the actual construction of the project, not including the cost of real property, of at least \$6 million on or before December 1, 2007; Member One will provide the City with a letter of credit in the amount of \$66,300.00, the value of the proposed vacation portion of Gilmer Avenue, to guarantee Member One's performance; if such investment is made, the City will return the letter of credit to Member One; and if the vacation of Gilmer Avenue does not take place, the performance agreement will be terminated.

The City Manager recommended that she be authorized to execute the performance agreement between the City of Roanoke and Member One Federal Credit Union, to be approved as to form by the City Attorney; and that she be further authorized to take such additional actions and to execute such documents as may be necessary to implement and to administer the performance agreement.

There being no questions or comments by Council Members, Ordinance No. 36528-102303 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Fitzpatrick, Harris, and Mayor Smith-----6.

NAYS: NONE -----0.

(Council Member Dowe was absent.)

Mr. Harris offered the following ordinance:

(#36529-102303) AN ORDINANCE authorizing the proper City officials to execute a Performance Agreement between the City of Roanoke (City) and Member One Federal Credit Union (Member One) that will provide for Member One to make a certain investment in the development of certain property in the 4<sup>th</sup> Street, Kimball Avenue, and Gilmer Avenue area; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Harris moved the adoption of Ordinance No. 36529-102303. The motion was seconded by Mr. Fitzpatrick and adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Fitzpatrick, Harris, and Mayor Smith-----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

**ZONING:** Pursuant to Ordinance No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Thursday, October 23, 2003, at 7:00 p.m., or soon thereafter as the matter may be heard, on a request of Malcolm M. Rosenberg to rezone property located at 2719 Colonial Avenue, S. W., Official Tax No. 1260808, and 2735 Colonial Avenue, S. W., Official Tax No. 1260804, from RS-3, Residential Single-Family District, to C-1, Office District, subject to certain conditions proffered by the petitioner, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, October 3, 2003, and Friday, October 10, 2003.

The City Planning Commission submitted a written report advising that the rezoning request is for two non-contiguous parcels located in the 2700 block of Colonial Avenue, S. W.; the first subject parcel is an 8,159 square-foot lot situated at 2719 Colonial Avenue, Official Tax No. 1260808; a 1,334 square-foot, one-story structure currently exists on the parcel; the wood-framed structure, with brick veneer siding, was built in 1962 and has been used by a fraternal organization; the second parcel is an approximately 10,568 square-foot lot located at 2735 Colonial Avenue, Official Tax No. 120804; a 924 square-foot structure currently exists on the parcel, and the vacant wood-frame structure was built in 1956 and is currently listed as a single-family use.

It was further advised that the application of C-1, Office District, to the subject properties would provide a greater consistency in zoning patterns along Colonial Avenue; the two parcels, together with three C-1, Office District, properties sandwiched between the two properties, would solidify the potential for a viable commercial/office/mixed use center and would allow for more effective utilization of the five parcels of land for development; in addition, the permitted uses of the C-1, Office District, which could include residential uses, would be compatible with existing land uses directly adjacent to, and across Colonial Avenue, which include small commercial establishments as well as office uses; and by solidifying the boundary line for commercial, office and mixed use development in this location, the C-1, Office District, would provide a transition zone buffer between the C-2, General Commercial District, to the northeast and the RS-3, Residential Single Family District, to the southwest.

The City Planning Commission recommended approval of the request to rezone 2719 Colonial Avenue, S. W., Official Tax No. 1260808; however, a motion to rezone 2735 Colonial Avenue, Official Tax No. 1260804, failed.

Mr. Harris offered the following ordinance rezoning 2719 Colonial Avenue, S. W., Official Tax No. 1260808:

(#36530-102303) AN ORDINANCE to amend §36.1-3, Code of the City of Roanoke (1979), as amended, and Sheet No. 126, Sectional 1976 Zone Map, City of Roanoke, to rezone certain property within the City; and dispensing with the second reading by title of this ordinance.

**(For full text of ordinance, see Ordinance Book No. 68.)**

**Mr. Harris moved the adoption of Ordinance No. 36530-102303. The motion was seconded by Mr. Fitzpatrick.**

**Edward A. Natt, Attorney, representing the petitioner, advised that his client does not request the rezoning of 2735 Colonial Avenue, S. W., and seeks only to rezone 2719 Colonial Avenue, which request is supported by the City Planning Commission.**

**The Mayor inquired if there were persons present who would like to be heard in connection with the matter; whereupon, Mr. Willie A. Carr, 2739 Colonial Avenue, S. W., advised that he resides next door to 2735 Colonial Avenue and expressed concern with regard to the bank that was constructed in 1978 which blocks the rear view at 2735 Colonial Avenue.**

**It was clarified that the rezoning of 2735 Colonial Avenue is not before the Council for consideration.**

**There being no other persons wishing to be heard, the Mayor declared the public hearing closed.**

**Mr. Bestpitch advised that the City Planning Commission recommended approval of the rezoning on a 4-3 vote, which is an indication that there were serious concerns by at least three of the seven members of the City Planning Commission. He called attention to the lack of a proposed site plan for development of the four lots, and suggested that the matter be referred back to the City Planning Commission and to City staff to work with the petitioner on development of a proposed site plan. Without proffered conditions, he stated that he could not support the request for rezoning.**

**Mr. Townsend deferred to Mr. Natt inasmuch as the City Planning Commission cannot impose conditions on rezonings and proffers must be offered voluntarily by the petitioner. He explained that at the time of the City Planning Commission hearing it was indicated that the petitioner did not have a specific use or plan for the combination of the properties; therefore, the proposal went forward. He stated that City Planning staff supported the rezoning at 2719 Colonial Avenue, given the limited frontage along Colonial Avenue, the fact that C-2 zoning extends across the street, and property immediately to the north of the property in question is also zoned C-2.**

**Mr. Natt acknowledged that it is unusual to apply for a rezoning without submitting a site plan; however, in this particular case, his client owns three lots and was presented with the opportunity to acquire a fourth lot in order to provide for a better site than currently exists; and a user for the site has not been identified to date. He stated that C-2 use is directly across the street with no proffers, C-2 uses exist farther down the street with no proffers, his client can develop his three lots as C-1 which would result in a situation where there would be one small lot that**

could potentially contain proffers, although using today's standards, it would be difficult to construct anything on such a small lot. He advised that the situation is one of those rare circumstances where one small parcel of land is requested to be combined with three other parcels to make a larger and better parcel of land, and the petitioner can develop his currently owned three parcels of land, while the fourth parcel could remain unused. He added that it is also important to remember that the request is not for C-2 zoning, which is a more open classification, but for C-1 zoning which provides for office and institutional uses, and the difference between C-1 and C-2 zoning offers certain safeguards as to the type of development that will go on the site.

Ordinance No. 36530-102303 was adopted by the following vote:

**AYES:** Council Members Wyatt, Cutler, Fitzpatrick, Harris, and Mayor Smith-----5.

**NAYS:** Council Member Bestpitch-----1.

(Council Member Dowe was absent.)

**STREETS AND ALLEYS:** Pursuant to Ordinance No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Thursday, October 23, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a request of 22 Luck Avenue, Inc., to permanently vacate, discontinue and close a certain portion of an alley lying between 16 and 22 Luck Avenue, S. W., and parcels identified as Official Tax Nos. 1012707 and 1012706, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, October 3, 2003, and Friday, October 10, 2003.

The City Planning Commission submitted a written report advising that the petitioner requests closure of a portion of the alley which is the remnant of a ten-foot wide north-to-south alley that originally extended to Luck Avenue; in 1994, the petitioner obtained, through vacation, all but this remaining portion of the alley; Council required the remaining portion of the alley to be left open for use as a turnaround for solid waste management vehicles serving the block; and the petitioner owns both adjoining parcels of land.

It was further advised that the adjoining properties are both zoned C-3, Central Business District, as are all properties in the immediate vicinity; the petitioner's law offices are located on Official Tax No. 1012706; Official Tax No. 1012707 is the site of the petitioner's parking lot; and several offices, parking lots and various other commercial establishments lie in the block of the subject alley.

It was explained that vacation of the subject alley would allow the petitioner to align the fencing that currently borders the subject alley with the alley that it adjoins, which would result in the petitioner gaining one parking spot within the fenced parking lot; and at present, the alley is used as a parking space, while not obstructing the east-to-west alley to which it is perpendicular.

The City Planning Commission recommended that Council approve the request, subject to certain conditions, and that the petitioner be charged \$2,100.00 for the alley, to which the petitioner has agreed.

Mr. Harris offered the following ordinance:

(#36531-102303) AN ORDINANCE permanently vacating, discontinuing and closing certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance by title.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Harris moved the adoption of Ordinance No. 36531-102303. The motion was seconded by Mr. Fitzpatrick.

Raphael L. Ferris, Attorney, appeared before Council in support of the request.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or questions by Council Members, Ordinance No. 36531-102303 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Fitzpatrick, Harris, and Mayor Smith-----6.

NAYS: None -----0

(Council Member Dowe was absent.)

EASEMENTS-PARKS AND RECREATION-ROANOKE GAS COMPANY:  
Pursuant to instructions by the Council, the City Clerk having advertised a public hearing for Thursday, October 23, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard on the proposed conveyance of a ten-foot easement on property known as Jackson Park, identified as Official Tax No. 4130501, to Roanoke Gas Company, to relocate a high relief valve from the northern side of Morningside Street, S. E., the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, October 13, 2003.

The City Manager submitted a communication advising that Roanoke Gas Company has requested a ten-foot by ten-foot easement on City-owned property located in Jackson Park, in order to relocate an eight-foot high relief valve from the northern side of Morningside Street; the valve will be set on a concrete pad to eliminate the need for mowing around the valve, which is acceptable to the Department of Parks and Recreation; and easement area is approximately 100 square feet.

The City Manager recommended, following the public hearing, that she be authorized to execute the appropriate documents granting the requested easement to Roanoke Gas Company, said document to be approved as to form by the City Attorney.

Mr. Harris offered the following ordinance:

(#36532-102303) AN ORDINANCE authorizing the donation and conveyance of a ten-foot by ten-foot easement, on City-owned property known as Jackson Park, identified by Official Tax No. 4130501, to Roanoke Gas Company, to relocate a five foot high relief valve from the northern side of Morningside Street, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Harris moved the adoption of Ordinance No. 36532-102303. The motion was seconded by Mr. Cutler.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or questions by Council Members, Ordinance No. 36532-102303 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Fitzpatrick, Harris, and Mayor Smith -----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

LEASES-CITY PROPERTY: Pursuant to instructions by the Council, the City

Clerk having advertised a public hearing for Thursday, October 23, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on a proposed lease of 7.05 acres of City-owned property located along Back Creek in Roanoke County to a County resident for agricultural purposes, for a period of one year, with a renewal option for four additional one-year periods, and a 60-day mutual termination provision, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Monday, October 13, 2003.

The City Manager submitted a communication advising that several properties along Back Creek in Roanoke County were acquired in the late 1970's to enable future development of a reservoir; there are no longer plans to develop the reservoir and the property is currently vacant; and an adjacent property owner to one of the parcels containing 12.17 acres (identified as Roanoke County Tax No. 089.00-03-36.00-0000) has requested an agricultural lease for a portion of the parcel containing approximately 7.05 acres to provide pasture for horses.

It was further advised that a portion of the 12.17 acre parcel is being used by the Department of Parks and Recreation as a tree farm; the 7.05 acres under consideration is not suitable for future expansion of the tree farm; leasing this portion of the parcel of land will eliminate the need for City staff to provide maintenance; the Lessee has agreed to make improvements to an existing road that is used to access the City's tree farm and will provide the necessary fencing to secure the pastureland and the tree farm; proposed lease rate will be \$100.00 per year; and in addition to erecting the necessary fencing, the Lessee will be responsible for maintaining the fencing and removing any fencing at the City's request, upon termination of the lease, and assume all liability for damage to and by the Lessee's actions or actions of the Lessee's livestock, machinery, equipment, employees, and guests, with liability insurance to be provided by the Lessee.

The City Manager recommended, following the public hearing, that she be authorized to execute the appropriate documents, to be approved as to form by the City Attorney, to lease the above described City-owned property for a one-year term, with four one-year renewal options and a 60-day mutual termination provision.

Mr. Fitzpatrick offered the following ordinance:

(#36533-102303) AN ORDINANCE authorizing the City Manager to enter into a lease with Sandra Rouse Reedy, for the lease of 7.05 acres of City-owned property located along Back Creek in Roanoke County, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

(For full text of ordinance, see Ordinance Book No. 68.)

Mr. Fitzpatrick moved the adoption of Ordinance No. 36533-102303. The motion was seconded by Mr. Cutler.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or questions by Council Members, Ordinance No. 36533-102303 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Fitzpatrick, Harris, and Mayor Smith -----6.

NAYS: None -----0.

(Council Member Dowe was absent.)

**ZONING-SIGNS/BILLBOARDS/AWNINGS:** Pursuant to Resolution No. 25523 adopted by the Council on Monday, April 6, 1981, the City Clerk having advertised a public hearing for Thursday, October 23, 2003, at 7:00 p.m., or soon thereafter as the matter may be heard, with regard to an amendment to Chapter 36.1, Zoning, Section 36.1-445(c), Additional sign regulations, subsection (c), Code of the City of Roanoke (1979), as amended, to address roof signs in the H-1, Historic District, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, October 3, 2003, and Friday, October 10, 2003.

The City Planning Commission submitted a written report advising that roof signs are currently prohibited in all zoning districts in the City of Roanoke; the proposed text amendment would remove the prohibition pertaining to existing roof signs located in, or located and relocated within, the H-1, Historic District; and parcels within the H-1, Historic District, are located within the core of downtown Roanoke.

It was further advised that Downtown Roanoke, Inc., has initiated an effort to relocate and to rehabilitate the H & C Coffee Sign located on the roof of a building at 102 Market Street; the sign, which has been in place in downtown for many decades, is of a unique neon design, material, and animation; its method of construction is rare by today's modern sign standards; the sign is currently in a state of disrepair and needs considerable rehabilitation; its relocation to another site in the H-1, Historic District, is under consideration so as to ensure long-term visibility and structural integrity and to return the sign to its original operational status; and because of the current prohibition regarding roof signs, the H & C Coffee Sign is a nonconforming sign and could not be rehabilitated and relocated as proposed.

It was explained that staff review of the H-1, Historical District, identified two



other existing roof signs that would become conforming under the proposed amendment; one is the Dr. Pepper sign at 115 Salem Avenue and the other is a roof outdoor advertising sign located at the rear of 102 Market Street; if the proposed amendment is approved, the subsequent relocation of any of these three existing roof signs would be limited to the area within the H-1, Historic District, and would require the granting of a Certificate of Appropriateness by the Architectural Review Board.

The City Planning Commission recommended approval of the proposed amendment, given the effort initiated by Downtown Roanoke, Inc., to rehabilitate and to relocate a sign of unique design, material, and construction, and the limited application of the amendment to the H-1, Historic District.

Mr. Bestpitch offered the following ordinance:

**“AN ORDINANCE amending and reordaining §36.1-445, Additional sign regulations, Division 3, Sign Regulations, Article IV, Supplementary Regulations, of Chapter 36.1, Zoning, of the Code of the City of Roanoke (1979), as amended, by amending subsection (c) to permit roof signs within the H-1 Historic District, under certain conditions; and dispensing with the second reading by title of this ordinance.”**

Mr. Bestpitch moved the adoption of the above referenced ordinance. The motion was seconded by Mr. Cutler.

R. Townsend, Agent to the City Planning Commission, advised that the amendment, initiated by the City Planning Commission, is a technical amendment that would allow for the refurbishment of existing roof signs in the H-1, Downtown Zoning District; and the matter was initiated at the request of Downtown Roanoke, Inc., which is undertaking an effort to renovate the H & C Coffee Sign and wishes to move the sign to another location. He further advised that prior to adoption of this amendment, because roof signs were prohibited, all roof signs were non-conforming and therefore could not be moved to another location. He stated that since the proposed amendment applies only to the H-1 District in downtown Roanoke, the H & C Coffee Sign and the Dr. Pepper Sign will both become conforming, and the H & C Coffee Sign can be renovated and relocated within the H-1 District.

David Diaz, President, Downtown Roanoke, Inc., advised that Downtown Roanoke has engaged Center in the Square, the Art Museum, the Historical Preservation Foundation and the Roanoke Arts Commission in a project to restore and relocate the H & C Coffee Sign, inasmuch as the proposed IMAX Theater and Art Museum will block the sign from view. He stated that Downtown Roanoke would like to relocate and retain the sign as a part of the downtown sky line; following adoption of the proposed amendment by Council, Downtown Roanoke, Inc., will meet with the owner of the sign to determine where the sign could potentially be relocated; and a private/public funding raising campaign is proposed. He advised that the goal of Downtown Roanoke, Inc., is to engage in a long term plan that would allow the sign to be donated to a non-profit organization that would be responsible

for maintaining the sign over the long term.

Mr. Fitzpatrick inquired as to where the H & C Coffee Sign is proposed to be relocated; whereupon, Mr. Diaz advised that he was not at liberty to comment on the proposed location because to do so would be unfair to the potential non-profit entity that would own the sign, and Downtown Roanoke, Inc., does not have an agreement with the non-profit entity at this time to actually accept the sign.

Out of fairness to Council and to Downtown Roanoke, Inc., Mr. Fitzpatrick advised that inasmuch as Council is being requested to address the issue of roof signs in the Downtown Historic District, Council should be privy to information on where the H & C Coffee Sign will be relocated, prior to voting on the proposed amendment. He advised that the H & C Coffee Sign is an icon in the City of Roanoke and he could not vote to give carte blanc approval.

Mr. Diaz advised that Center in the Square is the non-profit organization that Downtown Roanoke, Inc., has been working with, but no formal agreement has been executed to date; and the proposed zoning ordinance amendment will allow Downtown Roanoke to explore various options in terms of where the sign will be relocated which will be in a very limited and defined area.

Mr. Fitzpatrick offered a substitute motion that the ordinance be tabled for a period of 30 days, pending more precise information from Downtown Roanoke, Inc., with regard to actual relocation of the H & C Coffee Sign, and to identify the non-profit organization that will accept donation of the sign. The substitute motion was seconded by Mr. Harris.

Mr. Diaz clarified that Center in the Square is the only organization that has been approached in regard to accepting donation of the H & C Coffee Sign and the sign would be located on one of the two buildings owned by Center in the Square in the H-1 District; i.e: the Center in the Square building, or the former Shenandoah Hotel building.

If the H & C Coffee Sign were to blow over this evening, Council Member Bestpitch inquired as to what would happen under provisions of the existing ordinance; whereupon, Mr. Townsend advised that the sign is considered to be non-conforming at the present time and could not be reinstalled under provisions of the current ordinance. Mr. Bestpitch responded that there should be some capability in place to repair the sign in the event that it becomes necessary to do so.

Ms. Wyatt expressed concern with regard to the integrity of the H & C Coffee Sign, and advised that if the sign becomes a part of the top of Center in the Square, as opposed being located closer to eye level, the entire impact of the sign and what it means to the community will be dissipated. She stated that citizens have a visual image of the H & C Coffee Sign and how it is displayed in the community, which is a visual image that the community will expect to retain when the sign is refurbished and relocated. She advised that she understood the need to move on, but at the same time, it would be unfortunate to lose site of or control over a sign that has

become an icon.

Mr. Diaz advised that Downtown Roanoke, Inc., wishes to preserve the expectations of the community for the sign, with the understanding that the sign will be a vibrant part of the Downtown Roanoke skyline; certain risks are involved in moving the sign, Downtown Roanoke, Inc., is taking a risk in its efforts to raise \$100,000.00, and the owner of the H & C Coffee Sign is taking a risk in donating the sign. He stated that this is a community effort, the goal of which is to uphold the expectations of the community by preserving a landmark, or icon, in Downtown Roanoke.

The substitute motion lost by the following vote:

AYES: Council Members Wyatt, Fitzpatrick and Harris-----3.

NAYS: Council Members Bestpitch, Cutler and Mayor Smith-----3.

(Council Member Dowe was absent.)

So as not to have a divided vote on the proposed amendment, Mr. Diaz requested that Council table the ordinance and he would report to the Council after an agreement is reached with Center in the Square with regard to the proposed location of the H & C Coffee Sign.

In a discussion of the matter, Mr. Diaz advised that the total cost of renovating the H & C Coffee Sign is \$100,000.00, and an additional \$25,000.00 for a maintenance fund which should accrue interest at the rate that approximately \$1500.00 per month could be spent on maintenance; therefore, a \$125,000.00 fund raising campaign is proposed. Upon question, he indicated that a portion of the funding may be requested from the City of Roanoke.

Mr. Bestpitch moved that Council reconsider the motion to table the ordinance for a period of 30 days. The motion was seconded by Mr. Cutler and adopted.

The motion to table the ordinance for a period of 30 days was adopted.

**TRANSPORTATION SAFETY-FIFTH PLANNING DISTRICT COMMISSION-STATE HIGHWAYS:** The City Clerk having advertised a public hearing for Thursday, October 23, 2003, at 7:00 p.m., or as soon thereafter as the matter may be heard, on an endorsement of the draft 20-Year Long Range Transportation Plan for submission to the Roanoke Valley Area Metropolitan Planning Organization, the matter was before the body.

Legal advertisement of the public hearing was published in *The Roanoke Times* on Friday, October 17, 2003.

The City Manager submitted a written report advising that The Roanoke Valley Metropolitan Planning Organization (MPO) is scheduled to adopt a revised 20-Year

Long Range Transportation Plan (LRTP) at its November 6, 2003 meeting; the LRTP is a financially constrained plan that identifies the expected resources that will be available for transportation improvements and establishes a list of improvements that are to be implemented over the 20-year planning period; transportation improvement projects must be included in the LRTP before they can be added to the Virginia Department of Transportation's Six Year Plan, and the LRTP is routinely revised and comprehensively updated every three to five years.

It was further advised that the Virginia Department of Transportation (VDOT) provided both financial and transportation condition projections for the 20-year planning period; a work group was organized to discuss projections and to develop recommendations for Council's endorsement and submission to the MPO; members of the work group included the City Planning Commission's Transportation, Utilities and Facilities Committee, the City of Roanoke's MPO representatives, and key staff members (representing all modes of transportation, environmental quality, economic development, and city-wide comprehensive planning); and the work group evaluated information in light of the Comprehensive Plan's guidance and developed priorities and recommendations that are included in the Plan.

It was explained that the MPO must develop and maintain a LRTP with a 20-year planning horizon; transportation improvement projects must be included in the LRTP before they can be added to VDOT's Six Year Plan; neither Council's endorsement, nor the MPO's adoption, of the LRTP will obligate any LRTP project to be implemented, rather, such projects are made eligible for further consideration; and the work group has developed recommendations that are consistent with the guidance provided in the City's Comprehensive Plan and the MPO will adopt the LRTP during a public hearing (scheduled for November 6, 2003) at the conclusion of a 30-day public comment period.

The City Manager recommended, following the public hearing, that Council endorse, by resolution, the cover letter, Financially Constrained List, and Vision List for submission to the Roanoke Valley Area Metropolitan Planning Organization for consideration.

Mr. Bestpitch offered the following resolution:

(#36534-102303) A RESOLUTION concurring in a list of financially-constrained projects and recommended improvements for roadways in the City of Roanoke for further study in connection with the Long-Range Transportation Plan.

(For full text of resolution, see Resolution Book No. 68.)

Mr. Bestpitch moved the adoption of Resolution No. 36534-102303. The motion was seconded by Mr. Fitzpatrick.

The Mayor inquired if there were persons present who would like to be heard in connection with the matter. There being none, he declared the public hearing closed.

There being no discussion or questions by Council Members, Resolution No. 36534-102303 was adopted by the following vote:

AYES: Council Members Wyatt, Bestpitch, Cutler, Fitzpatrick, Harris, and Mayor Smith -----6.

NAYS: None-----0.

(Council Member Dowe was absent.)

HEARING OF CITIZENS UPON PUBLIC MATTERS: The Mayor advised that Council sets this time as a priority for citizens to be heard, and matters requiring referral to the City Manager will be referred immediately for any necessary and appropriate response, recommendation or report to Council.

COMPLAINTS-ARMORY/STADIUM: Mr. Robert Gravely, 729 Loudon Avenue, N. W., expressed concern with regard to barrels containing hazardous waste material that were uncovered as a part of the excavation process at the site of the proposed stadium/amphitheater at Orange Avenue and Williamson Road.

There being no further business, the Mayor declared the meeting adjourned at 8:30 p.m.

APPROVED

ATTEST:

Mary F. Parker  
City Clerk

Ralph K. Smith  
Mayor

-----



**RALPH K. SMITH**  
Mayor

**CITY OF ROANOKE**  
**OFFICE OF THE MAYOR**

215 CHURCH AVENUE, S.W., ROOM 452  
ROANOKE, VIRGINIA 24011-1594  
TELEPHONE: (540) 853-2444  
FAX: (540) 853-1145

November 17, 2003

The Honorable Vice-Mayor and Members  
of the Roanoke City Council  
Roanoke, Virginia

Dear Members of Council:

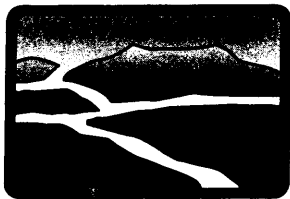
This is to request a Closed Meeting to discuss vacancies on certain authorities, boards, commissions and committees appointed by Council, pursuant to Section 2.2-3711 (A)(1), Code of Virginia (1950), as amended.

Sincerely,

A handwritten signature in black ink, appearing to read "Ralph K. Smith".

Ralph K. Smith  
Mayor

RKS:snh



# Blue Ridge Behavioral Healthcare

Rita J. Gliniecki *Chairman*  
 John M. Hudgins, Jr. *Vice Chairman*  
 Robert Williams, Jr. *Treasurer*  
 Meredith B. Waid *Secretary*  
*Executive Director*  
 S. James Sikkema, LCSW

November 4, 2003

Ms. Darlene L. Burcham  
 City Manager  
 City of Roanoke  
 215 Church Avenue, SW  
 Roanoke, VA 24011

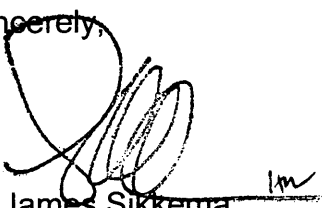
Dear Ms. Burcham:

According to our records, the first term of Mr. John M. Hudgins, Jr. as an at-large representative on the Blue Ridge Behavioral Healthcare Board of Directors will expire on December 31, 2003. Mr. Hudgins currently serves as Vice-Chairman of our board, and it is the board's pleasure that he be granted an additional term of appointment.

According to §37.1-196 of the Code of Virginia as amended in 1998, Community Services Board members are eligible to serve three full three-year terms. We respectfully request, therefore, that the Roanoke City Council ratify the reappointment of Mr. John M. Hudgins, Jr. for his second term, to run from January 1, 2004 through December 31, 2006.

The by-laws of Blue Ridge Behavioral Healthcare require that appointments of board members at-large be ratified by all of the CSB's participating localities, so this request is being sent concurrently to our other four local governing bodies.

Sincerely,

  
 S. James Sikkema  
 Executive Director

C: The Honorable Ralph K. Smith, Mayor  
 Mary F. Parker, City Clerk  
 Mr. John M. Hudgins, Jr.  
 870 Stonegate Court  
 Salem, VA 24153

Michael F. Urbanski  
10 South Jefferson Street  
Dominion Tower • Suite 1400  
Roanoke, Virginia 24011

November 6, 2003

Robert H. Sandel, President  
Virginia Western Community College  
P. O. Box 14007  
Roanoke, VA 24038-4007

Dear Bobby:

As we discussed, effective upon my taking office as United States Magistrate Judge for the Western District of Virginia, I will need to resign as a member and chairman of the Local Advisory Board of Virginia Western Community College. In addition, I need to resign as an ex officio member of the VWCC Foundation Board.

At this point, I expect to be sworn in as US Magistrate Judge sometime near the end of the year.

I have enjoyed my tenure on the Board of Virginia Western Community College and am grateful for the opportunity to work with you and your fine staff.

Best personal regards.

Very truly yours,



Michael F. Urbanski


cc: Mary F. Parker, Clerk  
John B. Williamson III





**Mary Parker**

11/12/2003 11:55 AM

To: "Brian Shepard" <bshepard@ltgov.state.va.us>  
 cc: (bcc: Stephanie Moon/Employees/City\_of\_Roanoke)  
 Subject: Re: resignations from City boards 

Thanks, Brian. Your e-mail will suffice.

I hope all is going well for you.

Mary

"Brian Shepard" <bshepard@ltgov.state.va.us>



**"Brian Shepard"**  
 <bshepard@ltgov.state  
 .va.us>

11/12/2003 11:45 AM

To: <Mary\_Parker@ci.roanoke.va.us>  
 cc:  
 Subject: resignations from City boards

Mary—

I recently sent letters to Mayor Smith and to each member of council resigning from the Parks and Recreation Advisory Board and the Roanoke Valley Greenway Commission.

I apologize for not sending a copy to your office. I know that's where the work is done.

I hope this email will suffice. Council members should have signed copies, if that is necessary.

Brian

Brian Shepard  
 Chief of Staff

Office of Lt. Governor Tim Kaine  
 900 East Main Street  
 Richmond, VA 23219

bshepard@ltgov.state.va.us

(804) 786-2078  
(804) 786-7514 fax

TTY/TDD: (800) 828-1120

On the Web: <http://www.ltgov.virginia.gov/>



**RALPH K. SMITH**  
Mayor

# **CITY OF ROANOKE**

## **CITY COUNCIL**

215 Church Avenue, S.W.  
Noel C. Taylor Municipal Building, Room 456  
Roanoke, Virginia 24011-1536  
Telephone: (540) 853-2541  
Fax: (540) 853-1145

**Council Members:**  
William D. Bestpitch  
M. Rupert Cutler  
Alfred T. Dowe, Jr.  
Beverly T. Fitzpatrick, Jr.  
C. Nelson Harris  
Linda F. Wyatt

November 17, 2003

The Honorable Mayor and Members  
of the Roanoke City Council  
Roanoke, Virginia

Dear Mayor Smith and Members of Council:

We jointly sponsor a request of Paul R. Dotson, representing the College Evangelical Lutheran Church, with regard to installation of a septic system on property located on Manning Road, N. E., at the regular meeting of City Council on Monday, November 17, 2003, at 2:00 p.m.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Nelson Harris".

C. Nelson Harris  
Vice-Mayor

A large, stylized handwritten signature in black ink, appearing to read "Alfred T. Dowe, Jr.".

Alfred T. Dowe, Jr.  
Council Member

CNH:ATDjr:sm

pc: Darlene L. Burcham, City Manager



TO: Mary Parker  
 FAX: 853-1145

FROM: Paul R. Dotson -  
 Glenn Rosendahl  
 College Lutheran Church  
 Salem, Va. 24153

Subject: TAX MAP # 7120119  
 MANNING RD N.E.

TAX MAP # 7120119 is owned by College Lutheran Church of Salem, Va. 24153. The lot currently has No Sewer. due to the current position of City of Roanoke, No Sewer is available.

The church has an offer on the lot if some type of sewer is available.

The church asked to be allow to put a septic system on the lot if it would percolate.

Thanks  
 Paul R. Dotson  
 384-8101



## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

November 17, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Beverly T. Fitzpatrick, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject:       Disposition of City Surplus  
Property

### **Background:**

In the past the City has held a semi-annual auction of surplus property. An average of 85% of the proceeds of the sale has been from vehicles and heavy equipment. In 2002, vehicles/heavy equipment sales totaled \$76,525 for 46 pieces of equipment. Miscellaneous sales, items other than vehicles and heavy equipment, totaled \$13,894 in 2002. In mid July 2003, the City began using an on-line auction ([eSurplusAuction.com](http://eSurplusAuction.com)) to sell vehicles and heavy equipment. The City has received \$112,000 for 43 items including vehicles and other pieces of equipment through the on-line auction in the first quarter of sales.

With the closure of the warehouse and building of the new salt barn at the Public Works Service Center, there is no convenient space for storage and sale of miscellaneous surplus items, such as desks, chairs, file cabinets, etc. Sales of miscellaneous surplus have been less than \$14,000 annually. Annual cost for surplus sales excluding the auctioneer's percentage is almost \$5,000 including approximately \$2,000 for advertising.

Roanoke City Public Schools (RCPS) also hold semi-annual auctions of surplus property. RCSP has space for storage of surplus property.

Considerations:

By combining the City and Schools miscellaneous surplus, we would eliminate duplicate advertising costs of about \$2,000 per year, producing higher net income. RCPS has agreed at an administrative level to the proposal outlined below.

We propose to use the following approach for disposition of surplus property:

1. Reallocate to City departments.
2. Attempt to sell vehicles and other items of significant value on the internet or by other appropriate means.
3. Give usable surplus personal property, not disposed of above, to Roanoke City Public Schools (RCPS) subject to RCPS accepting the property. RCPS will have the right to decide whether to accept individual items of surplus property. The decision of whether or not the Schools will accept the property will be made before transporting the property to the RCPS storage facility. RCPS will store the property and dispose of it as they wish from there, including the sale of the surplus property.
4. Any surplus property not disposed of above will be disposed of by sending it to the landfill or other proper disposal facility, or the property may be recycled or given to an entity that may be able to use it.

Disposal of surplus property in some other way than outlined above may be done only by a separate action of City Council. For example, a gift of surplus property to another public body or to a non-profit agency will require City Council action.

Recommended Action:

City Council approve the above policy of disposition of the City's surplus property, provided City Council may dispose of any City surplus property in a manner other than set forth above, as Council may deem appropriate.

Respectfully submitted,



Darlene L. Burcham  
City Manager

DLB:rhb

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Jeffrey Powell, Director of General Services  
Dr. E. Wayne Harris, Superintendent, Roanoke City Public Schools

CM03-00215

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION setting forth a policy for the disposition of City Surplus Tangible Personal Property.

WHEREAS, City staff has determined that by adopting a policy for the disposition of City Surplus Tangible Personal Property as set forth in the City Manager's letter to Council dated November 17, 2003, there could be a more efficient disposition of such property.

THEREFORE, be it resolved by the Council of the City of Roanoke as follows:

1. The City Council hereby adopts the policy set forth in this resolution for the disposition of City Surplus Tangible Personal Property.

2. The following policy will apply to the disposition of City Surplus Tangible Personal Property:

- a. Reallocate to City departments.
- b. Attempt to sell vehicles and other items of significant value on the internet or by other appropriate means.
- c. Give usable surplus tangible personal property, not disposed of above, to Roanoke City Public Schools (RCPS) subject to RCPS accepting the property. RCPS will have the right to decide whether to accept individual items of surplus property. The decision of whether or not RCPS will accept the property will be made before transporting the property to the RCPS storage facility. RCPS will store the property and dispose of it as it wishes, including the sale of such surplus property.
- d. Any surplus tangible personal property not disposed of above will be disposed of by sending it to the landfill or other proper disposal facility, or such property may be recycled or given to an entity that may be able to use it.

- e. Disposal of surplus tangible personal property in some other way than outlined above may be done only by a separate action of City Council, as City Council may deem appropriate.

3. The City Manager is authorized to adopt appropriate procedures and to take the necessary action to implement and administer the above policy.

- 4. This resolution shall be effective on and from the date of its passage.

ATTEST:

City Clerk.





## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

November 17, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Beverly T. Fitzpatrick, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Agreement with Total  
Action Against Poverty for  
Funding the Renovation of  
the Dumas Center for  
Artistic Development

### **Background:**

Total Action Against Poverty (TAP) has requested funds from the City to support the renovation and equipping of the Dumas Center for Artistic Development. In July 2002, the original cost of the project was to be \$4,098,184. Since that time, the budget has increased to \$4,861,496 as a result of a separate addition for the Harrison Museum. The Project is to be funded from a variety of sources. Initially the City was requested to provide \$500,000 in project funding over three fiscal years beginning in FY 2002-03. This request was later modified to allow funding to be phased beginning in FY 2003-04 over a period of five fiscal years. Staff recommended that the \$500,000 request be funded in a similar fashion to the Grandin Theater project, with \$100,000 being provided each year over five years beginning with FY 2003-04. Funding would be provided by agreement as approved by City Council subject to the following provisions:

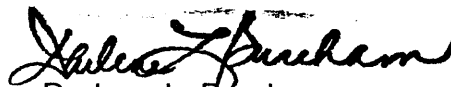
- Certification of the availability of matching funds;
- City funds will be used solely for the construction project, and not for operation of the Dumas Center;
- No future operational support for the Dumas Center will be requested from the City;
- The Dumas Center would continue to be operated as a community arts and cultural center;
- TAP will pay the City real estate taxes on the Center, as assessed by the City;
- The Dumas Center will not be sold or conveyed to another entity without the prior written consent of the City; and
- If the Dumas Center is sold within the five years of the agreement to other than a non-profit entity, the City will recover its capital investment from the proceeds of the sale.

Funding will be appropriated annually from the Capital Maintenance and Equipment Replacement Program. This has already been done for FY 2003-04 with funding available for this contribution in account 008-310-9799-9132.

Recommended Action:

Authorize the City Manager to enter into an agreement with Total Action Against Poverty, in a form approved by the City Attorney, to renovate and equip the Dumas Center for Artistic Development.

Respectfully submitted,

  
Darlene L. Burcham  
City Manager

DLB:rbf

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Rolanda Russell, Assistant City Manager for Community Development  
Elizabeth Neu, Director of Economic Development  
Sherman Stovall, Budget Administrator

CM03-00217

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the City Manager to enter into an agreement between the City of Roanoke and Total Action Against Poverty in Roanoke Valley, Inc. to renovate and equip the Dumas Center for Artistic Development, and dispensing with the second reading of this ordinance by title.

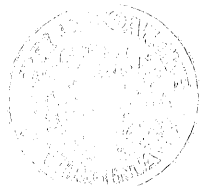
BE IT ORDAINED by the Council of the City of Roanoke that:

1. The City Manager and the City Clerk are authorized to execute and attest, respectively, on behalf of the City of Roanoke, in form approved by the City Attorney, an agreement with the Total Action Against Poverty in Roanoke Valley, Inc. to renovate and equip the Dumas Center for Artistic Development, upon such terms and conditions as are more particularly described in the City Manager's letter dated November 17, 2003, to this Council.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



## **CITY OF ROANOKE OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
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CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

November 17, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Beverly T. Fitzpatrick, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Amendment No. 1A3  
Utility Relocation - Roanoke River  
Flood Reduction Program

This project is part of the Roanoke River Flood Reduction Program (RRFRP), which is being designed by the Corps of Engineers (COE). On March 18, 1991, the City entered into a contract with the engineering consulting firm of Hayes, Seay, Mattern & Mattern, Inc., for work including the design of all relocations required by the RRFRP.

Due to very steep river banks near Hamilton Terrace, S. E., and Belleview Avenue, S. E., it is necessary to realign a portion of Piedmont Street near its intersection with Hamilton Terrace, S. E., and a portion of Hamilton Terrace, S. E., near its intersection with Belleview Avenue, S. E., to accommodate the proposed greenway which is part of the RRFRP. Part of the proposed realignment will allow the proposed greenway to connect to the new pedestrian bridge over the Roanoke River constructed by Carilion. The cost of designing such realignments will be \$31,212.00.

Council approval is required as the amount of this amendment, combined with the two prior amendments, exceed twenty-five percent (25%) of the contract amount initially allocated to this project.

Funding is available in Capital Projects Fund account number 008-056-9620, Roanoke River Flood Reduction.

Honorable Mayor and Members of Council  
November 17, 2003  
Page 2

Recommended Action:

Authorize the City Manager to execute Amendment No. 1A3 for the above work, in the amount of \$31,212.00 with Hayes, Seay, Mattern & Mattern, Inc., for the Roanoke River Flood Reduction Utility Relocation Project.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Darlene L. Burcham".

Darlene L. Burcham  
City Manager

DLB:JRP:na

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Philip C. Schirmer, P.E., L.S., City Engineer

#CM03-00222

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

A RESOLUTION authorizing the City Manager's issuance of Amendment No. 1A3 to the City's contract with Hayes, Seay, Mattern & Mattern, Inc., for designing realignments for a portion of Piedmont Street near its intersection with Hamilton Terrace, S.E. and a portion of Hamilton Terrace, S.E., near its intersection with Belleview Avenue, S.E., to accommodate the proposed greenway which is part of the Roanoke River Flood Reduction Project.

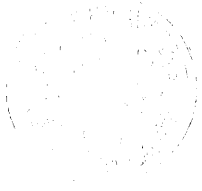
BE IT RESOLVED by the Council of the City of Roanoke that:

1. The City Manager is authorized to execute for and on behalf of the City, in a form approved by the City Attorney, Amendment No. 1A3 to the City's contract with Hayes, Seay, Mattern & Mattern, Inc., for designing realignments for a portion of Piedmont Street near its intersection with Hamilton Terrace, S.E. and a portion of Hamilton Terrace, S.E., near its intersection with Belleview Avenue, S.E., to accommodate the proposed greenway which is part of the Roanoke River Flood Reduction Project., all as more fully set forth in the letter to this Council dated November 17, 2003.

2. Amendment No. 1A3 will provide authorization for additions in the work with an increase in the amount of \$31,212.00 to the contract, all as set forth in the above letter.

ATTEST:

City Clerk.



**RALPH K. SMITH**  
Mayor

# CITY OF ROANOKE

## CITY COUNCIL

215 Church Avenue, S.W.  
Noel C. Taylor Municipal Building, Room 456  
Roanoke, Virginia 24011-1536  
Telephone: (540) 853-2541  
Fax: (540) 853-1145

### Council Members:

William D. Bestpitch  
M. Rupert Cutler  
Alfred T. Dowe, Jr.  
Beverly T. Fitzpatrick, Jr.  
C. Nelson Harris  
Linda F. Wyatt

November 17, 2003

The Honorable Mayor and Members  
of City Council  
Roanoke, Virginia

Re: 2004 Legislative Program

Dear Mayor Smith and Members of Council:

On November 3, 2003, City Council's Legislative Committee met to review the proposed 2004 Legislative Program. A copy of this Legislative Program is attached. After careful review, the Committee recommends it to City Council for favorable action. The School Board portion of the Program was approved by the School Board at its meeting on November 10, 2003.

As Chair of the Legislative Committee, I wish to thank the other members of Council, who comprise the Committee, and Dr. Trinkle and Mr. Lindsey of the School Board. We also wish to thank Tom Dick, our Legislative Liaison, and Bill Hackworth, City Attorney, who coordinated and prepared this Program.

As Chair of the Legislative Committee, I commend the Program to City Council for its approval. I am confident the members of the Council will agree that the recommended Program will advance the legislative interests of the City and its people at the 2004 Session.

Respectfully submitted,

William D. Bestpitch, Chair  
Legislative Committee

WDB:f

Honorable Mayor and Members  
of City Council  
November 17, 2003

Page 2

Attachments

cc: Darlene L. Burcham, City Manager  
William M. Hackworth, City Attorney  
Dr. David B. Trinkle  
William H. Lindsey, Esquire  
Dr. E. Wayne Harris, Superintendent  
Richard L. Kelley, Assistant Superintendent  
for Operations and Legislative Liaison  
Mary F. Parker, City Clerk  
Thomas A. Dick, Legislative Liaison



**2004**

# **LEGISLATIVE PROGRAM**



**CITY OF ROANOKE**

**CITY COUNCIL**

Ralph K. Smith, Mayor

C. Nelson Harris, Vice-Mayor

William D. Bestpitch

M. Rupert Cutler

Alfred T. Dowe, Jr.

Beverly T. Fitzpatrick, Jr.

Linda F. Wyatt

**SCHOOL BOARD**

Gloria P. Manns, Chair

Ruth C. Willson, Vice-Chair

William H. Lindsey

Melinda J. Payne

Robert J. Sparrow

Kathy G. Stockburger

Dr. David B. Trinkle

**CITY MANAGER**

Darlene L. Burcham

**SUPERINTENDENT**

Dr. E. Wayne Harris

William M. Hackworth  
City Attorney  
464 Noel C. Taylor Municipal Building  
Roanoke, VA 24011  
540-853-2431

## INTRODUCTION

The City Council is pleased to commend this Legislative Program for consideration by the 2004 Session of the General Assembly. The City Council, representing all the people of our All-America City, is uniquely qualified to understand the legislative needs of City government and our people. We are of the opinion that this Program is responsive to those needs. As a policy matter, we continue to believe that local governments are the best vehicles for the delivery of many services to the public because local governments are closest to the people and the most responsive. We continue to be concerned about the cumulative effect of Federal and State legislative and regulatory mandates, many of which are unfunded, the continued erosion of local revenue sources, and the State's fiscal woes.

This Program is a combined Program for City Council and the School Board. You will note that we have made a conscientious effort to pare our Program down to the issues that we believe are of the most importance to the citizens of this City. The City Council portion was prepared by the City's Legislative Liaison, Thomas A. Dick, and City Attorney, William M. Hackworth, with the assistance of comments and suggestions from Council members, City administrators, and citizens. The School Board portion was prepared by Richard L. Kelley, Assistant Superintendent for Operations, who serves as Legislative Liaison for the School Division, with the assistance of advice and comments from the School Board and administrators. The entire Program has been carefully reviewed by City Council's Legislative Committee, which consists of all the members of Council, and William H. Lindsey and Dr. David B. Trinkle. Upon the recommendation of the Legislative Committee, the Program was adopted and endorsed by City Council on November 17, 2003. See Resolution No. \_\_\_\_\_, a copy of which of which is attached.

If during the course of the Session our legislators have questions concerning the position of the City or School Board on legislative matters, they are encouraged to contact the Legislative Liaison for the City or School Board, who I know will be pleased to respond after consultation with appropriate officials. I also know that representatives of the City and School Board will be in contact with our legislators on many occasions during the 2004 Session, and their consideration of these communications is deeply appreciated. With the support of our legislators, and this City is fortunate to have legislators who are most supportive and responsive to the needs of our City and its citizens, I know that our City government and School Division will be improved and that the quality of life for our citizens will be advanced.

Ralph K. Smith  
Mayor

## **2004 Legislative Program**

### **Legislation Requested**

- 1. Advisory Public Referenda** – There are numerous issues that may qualify for advisory public referenda in various localities across the State. The General Assembly is urged to study the mechanisms currently in place that allow for such referenda and consider providing a uniform opportunity for citizens in any locality to be allowed to hold advisory referenda if the local governing body determines it would be useful to hold such referenda to best serve its citizens.
- 2. Support for Rail Transportation Development Authority** – The City of Roanoke supports the required reenactment of SB 1279 from the 2003 General Assembly, which would create the Rail Transportation Development Authority. This Authority would be established to finance or assist in the financing of capital improvements to rail lines and associated facilities.
- 3. Vacant Building Registration Fee** – The General Assembly should amend Section 15.2-1127 of the Code of Virginia to increase the current permitted registration fee of \$25 for vacant buildings to \$250 to assist localities in addressing the additional costs of fire, police and inspection activities related to vacant properties.
- 4. Urban Deer Management Program** – As a public safety measure, the General Assembly should amend §29.1-521 of the Code of Virginia to permit the use of baiting to attract deer to be culled under the conditions of the Urban Deer Management Program permit issued by the Virginia Department of Game and Inland Fisheries.
- 5. Health Department** – The City's Health Department needs an additional appropriation this year of at least \$187,958 for furnishings and rent, and \$158,990 a year thereafter for rent so that it can consolidate its operations and move into the new Human Services Building on Williamson Road.
- 6. Absentee Landlord Representation** – Section 55-218.1 of the Code of Virginia requires property owners who own four or more units in the Commonwealth of Virginia, but who do not reside in the Commonwealth themselves, to maintain an agent who is a resident of the State. It is difficult to serve summons and other notices on property owners who do not live in the same locality, delaying action to address blight. The General Assembly is requested to amend this Code section to require that the property owner's leasing agent or representative operate in the same locality as the property or in an adjacent locality.

### **Other Legislative Priorities**

**Streamline Local Budget Process** – Section 15.2-2507 of the Code of Virginia requires a locality to hold a public hearing when a locality's budget is being amended by more than 1% or \$500,000, whichever is the lesser amount. The City requests an amendment to delete the \$500,000 threshold while keeping the 1% or more increase public hearing requirement.

**Outdoor Lighting Standards** – The General Assembly should enact a new Virginia Code §15.2-920.1 to authorize localities to adopt ordinances establishing outdoor lighting standards and regulations for the purpose of controlling exterior illumination levels, incidence of glare, light trespass or “urban sky-glow”, or for the purpose of conserving energy. Such standards should be applicable only on lighting for facilities constructed after the date of the enactment of the local ordinance.

**Constitutional Amendment for Partial Tax Exemption** – The General Assembly should pass an amendment to Article X, Section 6(a)(7)(h) of the Constitution of Virginia to provide authority for the passage of legislation authorizing localities to provide for a partial exemption from local real property taxation of new construction in conservation, redevelopment or rehabilitation areas. The Constitution already permits this for substantial renovation, rehabilitation and replacement of existing structures.

**“Photo Red Light” Program** – The City of Roanoke should be added to the list of localities permitted by Section 46.2-833.01, Code of Virginia, to implement a “photo red light” program to use photo-monitoring systems to enforce traffic light signal laws.

**Opposition to Additional State Fees** – The City opposes additional State fees on local services, including a landfill disposal fee or State trash tax.

**Opposition to Restrictions on Local Zoning Authority** – The City of Roanoke opposes any legislation that would limit the authority of the City to restrict certain types of housing in certain areas of the City.

**Recordation of Certified Copies** – The General Assembly should amend §55-109 of the Code of Virginia to permit the clerk of the circuit court to record certified copies, as opposed to only the original copy, of escheated land grants from the Commonwealth. This would help clear up the chain of title to approximately three dozen parcels in the City that were escheated, but the original grant from the Commonwealth was never recorded.

**Short Term Rental Taxes** – The General Assembly should amend §§ 58.1-3510.3 and 58.1-3916 of the Code of Virginia to provide that penalties and interest for failing to file, or making late payment of local short term rental taxes, is allowed as it presently is for other local taxes, for the ease of collection.

**Enterprise Zone Job Grants** – The General Assembly should amend §59.1-282.1.C of the Code of Virginia to increase the job grant amount in enterprise zones to \$1000 for low to moderate income individuals. The current amount is \$500 unless the person lives in the zone, in which case it is \$1000.

**Support for Virginia First Cities Coalition** - As a member of Virginia First Cities, a group of 15 of the State’s older cities, Roanoke supports the broad legislative objectives of this coalition, including: restructuring the State’s tax system to distribute the tax burden more equitably and raise State tax revenues to generate the additional funding required annually to fulfill the State’s responsibility for education, transportation and human services; the adoption of an urban policy and smart growth strategies and holding older, core cities harmless from any budget balancing actions because of the fiscal stress they are already facing.

Additionally, the City supports the First Cities efforts to:

- a. Oppose any loss of State aid or local authority.
- b. Support new State education funding to fully fund the current Standards of Quality, including the SOQ biennial rebenchmarking costs; funding the State Board of Education's SOQ update and the JLARC education recommendations which are not reflected in the Education Board's update; correcting the composite index to more accurately reflect local ability to pay for education; and opposing shifting funds from any other education program, especially programs targeted to at-risk students to pay for this additional funding.
- c. Support the legislative recommendations of the Governor's Urban Policy Task Force.
- d. Continue to fund street maintenance at the same growth rate as VDOT maintenance.
- e. Support legislation that improves eligibility for Medicaid and increases reimbursement rates.
- f. Oppose legislation that would adversely change the existing council-manager form of local governance used across Virginia.

### **School Board Legislative Priorities**

The major legislative priorities listed in priority sequence of the Roanoke City School Board are for the State:

1. To rebenchmark the Standards of Quality in order to meet increased costs for teacher and employee salaries, inflation, and student enrollment.
2. To fund the cost of meeting the improvements to the Standards of Quality as recommended by the State Board of Education.
3. To enhance the State's support of school capital outlay projects through a permanent funding source for school construction and debt service requirements that will fund 55% of school construction needs over the next five years.

The City of Roanoke endorses the School Board Legislative Program in its entirety and incorporates it into the City's Legislative Program.

## **Legislation the City Would Support**

### **TransDominion Express**

The City of Roanoke supports the proposal to extend passenger rail service from Bristol through Roanoke and on to Lynchburg and then to Washington, D.C. and Richmond, VA. Roanoke is the largest city in Virginia without passenger rail service. The 2000 General Assembly provided \$9 million in preliminary funding for this important economic development initiative. The City supports the additional State funding necessary to place the service into operation.

### **Access to VCIN for Parking Ticket Enforcement**

The City supports legislation to slightly broaden local government access to the Virginia Criminal Information Network (VCIN). This is needed to obtain the name and address of ticketed drivers from out-of-state so they can be required to pay their parking tickets. In Roanoke, the Director of Finance, who is responsible for collecting on these tickets, does not fall under the current definition of local officials who are authorized by the Virginia Code to have such access. Section 46.2-100 should be amended to include Directors of Finance.

### **Service of Civil Process Fees**

Roanoke supports legislation to allow the City to keep the revenue it receives from the fees paid when civil process papers are served by the Sheriff's office. Section 15.2-1609.3 requires that any amounts collected "in excess of such fees received in fiscal year 1994" be remitted to the State Treasurer. Such fees are more appropriately retained by the locality.

### **Jail Funding Formula**

The formula that allows the state to recover personnel costs when local jails house federal inmates should be modified to more appropriately reflect the costs to localities of housing these prisoners.

### **Blight Related Remedies**

The City of Roanoke supports several important remedies to the problem of urban blight:

- The State should streamline the legal process applicable to sale of properties on which delinquent taxes are owed so that these properties can be transferred to responsible ownership more expeditiously and less expensively; or in the absence of this, the State should allow localities to sell real estate tax lien certificates as done in some other states.
- The City supports legislation to allow eligible projects in enterprise zones to consist of up to 80 percent residential use.
- The State should delete the requirement in the enterprise zone real property investment tax credit that the owner or tenant receiving the credit actually conduct business on the property.

### **Regional Competitiveness Act Funding**

In the past, this State funding primarily supports workforce development efforts to strengthen the region's competitiveness. Additional funding by the State of this program is recommended.

### **Aircraft Taxation and Incentives**

The City of Roanoke supports tax incentives that would provide encouragement for aircraft to be located at Virginia airports. Section 58.1-1500 of the State Code should be amended to reduce the State's tax on the sale of aircraft in the Commonwealth. Any reduction in revenues should be replaced with State general fund dollars.

### **Telecommunications Tax Collections**

Localities are losing tax revenues provided for under existing law from telecommunications firms that begin new service in a locality but never notify that locality that they are operating. The City supports legislation to require each telecommunications company to notify each locality that they are doing business in that locality. Additionally, some types of telephone services, such as prepaid cellular services and telephone cards, are not taxed or are not taxed on the same basis as other telephone services. Some equitable way of assessing the required tax on mobile telecommunications (\$3.00 or ten percent of the first \$30.00) should be found, such as imposing the tax on whatever entity wholesales such services or cards to retailers. Roanoke also supports an amendment to the Code of Virginia to clarify that the City can impose a late payment penalty and disallow the collection fee/discount for late payment of local taxes by utilities collecting the Consumer Utility Tax, E-911 tax and other taxes.

## **Policy Positions**

### **Commissions to Study Local Government Needs**

The legislature is conducting studies concerning State and local tax structure. In recent years, numerous studies have been conducted that have provided useful information. The Commission on the Future of Virginia's Cities and The State and Local Tax Structure Commission have identified issues and developed recommendations that have not been implemented. Roanoke recognizes the need for review of these important issues but urges that useful results of the studies actually be implemented by the legislature so their benefits will finally be realized.

### **State Support for Cultural Agencies and Activities**

Institutions such as the Center in the Square and its constituent agencies, the Virginia Museum of Transportation, and the Commonwealth Games all attract tourists to the region and help support the economy. City Council is appreciative of the legislature's partial funding of regional cultural institutions and regional events in previous years. The State is encouraged to develop a policy that ensures stable funding for these agencies. Additionally, a regional funding mechanism is needed to provide a source of funding for environmental, entertainment, and cultural assets. The City supports legislation that would allow for the development of funding from regional resources for cultural, historic, and recreation amenities such as a Blue Ridge Asset District.

### **Mental Health Funding**

The State should expand its scope of mental health services to include those with traumatic brain injuries. The State should provide additional funding to operate a comprehensive mental health facility in the western part of the State. Such facilities already operate in at least two other parts of the State, but not in the southwestern region of Virginia. The City supports line item funding in the State budget for "Brain Injury Services of Southwest Virginia". Additionally, special consideration should be given to meeting mental health needs that fall under the jurisdiction of the court system.



### **Transportation (Including Mass Transit) Funding**

Adequate funding, especially that for mass transit, is critical to keep Virginia's transportation system viable. In addressing transportation needs, the General Assembly should consider: adjusting fund sources such as the motor fuels tax, to keep pace with inflation; imposing moderate increases in state transportation-related taxes and fees; authorizing more options for long-term financing for major projects; authorizing the creation of regional transportation districts; seeking equity among various road users by ensuring that trucks pay their proportionate share of road costs and promoting mass transit solutions on a regional and statewide basis.

### **Standards for Adult Homes**

The State should raise its standards for adult homes to more fully reflect the care needed for this population segment. Additionally, the State should improve funding for adult homes, particularly for indigent care.

### **Zoning Districts**

Roanoke opposes any legislation that would restrict present land use powers of local governments to establish, modify and enforce zoning classifications. Local governments should remain free to adopt and enforce zoning changes that address local land use needs. The City opposes any legislation that would limit local government regulation of historic zoning districts and its ability to accept proffered conditions in rezonings that relate to building features and materials.

### **Redevelopment Initiatives**

The City of Roanoke opposes further restrictions on eminent domain powers of State and local governments.

## **General Policy Considerations**

The Federal and State governments should recognize that local governments are the best vehicles for the delivery of many services to the public because local governments are closest to the people and the most responsive. Roanoke remains concerned with the cumulative effect of Federal and State legislative and regulatory mandates that have stressed the serious financial problems of local governments. It is essential that the State fully fund all State mandates, including public employee salaries.

Roanoke is vitally concerned over the continued erosion of local revenue sources. The General Assembly is urged to leave the taxing authority and revenue sources of local governments alone. Additionally, the State should pay a greater share of the costs of education and other essential services.

City Council calls upon the Governor and the General Assembly to develop an economic development strategy for the Commonwealth and its local governments. The strategy should include special programs for those areas west of the Blue Ridge mountains and central cities across the Commonwealth. Tourism and convention activities that enhance the economic well being of the State and its political subdivisions should be recognized as legitimate components of economic development.

# **ROANOKE CITY PUBLIC SCHOOLS LEGISLATIVE PROGRAM--FY2004-2006 BIENNIUM**

## **State Legislative Issues**

The most recent PDK/Gallup Poll indicates that the general public believes: "the biggest problem facing public education is the lack of financial support/funding/money". The Joint Legislative Review and Audit Commission (JLARC) study completed in 2001 confirmed the State's lack of financial support for public education in Virginia. The study estimated that about \$535 million was required from the State to meet its responsibilities under the Constitution of Virginia for funding public education.

During the summer of 2003 the State Board of Education adopted a series of recommendations for bringing the Standards of Quality (SOQ) into line with many of the prevailing educational practices that were identified in the JLARC study as requiring additional State funding. The estimated cost of implementing the State Board's recommendations is \$324 million.

In addition to these recommended enhancements to the Standards of Quality, the State historically has updated the cost of meeting the current Standards of Quality at the start of each biennium. For the FY2004-06 Biennium the updating of the Standards of Quality costs \$525 million. The process, known as rebenchmarking, adjusts the cost of meeting the Standards of Quality for increases in teacher and employee salaries, inflation, and student enrollment. Without rebenchmarking the Standards of Quality would remain at the cost level established for the last biennium.

## **Schools' Legislative Program**

The Roanoke City School Board and Superintendent have established high expectations and standards for schools and students. The objectives include: 1) Improving student achievement and focusing on student reading skills; 2) Increasing the student attendance rate; 3) Improving physical education scores on the State test; 4) Decreasing the student drop-out rate; 5) Increasing staff accountability for student performance; and 6) Improving the competitiveness of employee salaries.

For FY2003-04 a total of 16 Roanoke City schools have met the new State accreditation standards. The Roanoke Valley's legislative team is to be commended for its exceptional work during the last three biennia in securing additional State funding for education that is greatly assisting the City Schools in our initiatives to meet rigorous State standards.

The Roanoke City School Board has adopted three major legislative priorities for the next biennium. The priorities require the State to accomplish the following actions:

- 1. To rebenchmark the Standards of Quality in order to meet increased costs for teacher and employee salaries, inflation, and student enrollment.**

2. To fund the cost of meeting the improvements to the Standards of Quality as recommended by the State Board of Education.

3. To enhance the State's support of school capital outlay projects through a permanent funding source for school construction and debt service requirements that will fund 55% of school construction needs over the next five years.

The Governor and General Assembly have said that public education is a priority in the Commonwealth; however, State funding for education has declined from slightly more than 50% of the total State budget for the 1976-78 Biennium to about 32% of the State budget during the current Biennium. Both the 2001 JLARC study and recent recommendations of the State Board of Education recognize the importance to public education in Virginia of increasing funding for both the current Standards of Quality and prevailing educational practices necessary to meet the Standards of Accreditation.

**Priority 1 - Rebenchmarking:** The General Assembly should provide increased funding for the rebenchmarking of the Standards of Quality as has been historically enacted for previous biennia. Rebenchmarking will provide at least \$525 million for the increase in Standards of Quality costs that have occurred during the past two years in local school divisions as the result of teacher and employee salary raises, inflation, and student enrollment. The City Schools would receive about \$1.5 million in additional funds from the rebenchmarking of the Standards of Quality.

**Priority 2 – SOQ Improvements:** An additional \$324 million should be provided by the General Assembly for the improvement of the Standards of Quality as recommended by the State Board of Education. The changes to the Standards of Quality recommended by the Board include:

One Full-Time Principal for All Elementary Schools.

One Full-Time Assistant Principal For Every 400 Students.

Minimum of Three Periods Per Week for Elementary Students of Art, Music, and Physical Education Instruction Which Requires the State to Fund an Additional Five Teacher Positions per 1,000 students.

Two School Technology Positions per 1,000 Students.

Addition of Planning Period for Secondary Teachers.

Addition of Funding Support for Prevention, Intervention, and Remediation Based on One Additional Hour of Instruction per Day for Identified Students.

Caseload Requirement for Speech-Language Pathologist of 60 Students.

The adoption of the new Standards of Quality would generate about \$4.4 million in new State funding for Roanoke City. But it would require only \$2.1 million in additional school expenditures since the City Schools already fund many of the SOQ recommendations with local funds. The net effect would be an increase in State revenue of \$2.3 million after adjustment for the required new expenditures.

**Priority 3 - School Construction Costs:** Statewide, over \$6.6 billion in school capital requirements exists with only about \$4.0 billion available to meet these needs. The General Assembly should adopt legislation to create an education infrastructure trust fund to finance direct grants for school construction needs. The trust fund should fund at least 55% of school construction requirements over the next five years.

The result would be for the State to provide about \$3.3 million in additional funding to meet the City Schools' debt service requirement of \$8.0 million by FY2009. A total of \$1.1 million in State Lottery and School Construction funds is being provided in FY2003-04 for the City Schools' debt service needs and this funding should be continued. The majority of the \$8.0 million debt service requirement is needed for the replacement cost of Patrick Henry and William Fleming High Schools.

### **Other Legislative Issues**

*School Funding* – Funding issues not addressed by the revised Standards of Quality include:

Average Teacher Salary - The State Basic Aid formula for average teacher salaries should use the national average for teacher salaries as the basis for teacher salary cost rather than using the prevailing average for the State.

School Nurses - Roanoke City now employs 12.5 FTE school nurses with local funds. The State should fund student health related services on the basis of one nurse for every 1,000 pupils in membership.

Preschool Programs - The State should fund preschool programs at a level that serves 100% of the eligible preschool age population rather than 60% of the eligible preschool age population.

Truancy Programs - Visiting teachers must be included in the Standards of Quality since they are essential to Roanoke City's truancy prevention programs.

Alternative Education - State funds provide support for only 10% of the program's cost. The remaining costs amounting to \$1.3 million are funded by the school district. A minimum of 55% of the cost should be provided by the State.

School Resource Officers - The Standards of Quality should include School Resource Officer (SRO) positions based on a ratio one SRO for every 500 secondary students.

School Security Equipment - No funds are provided from the State for school security equipment (e.g., video monitors, metal detectors, and radios). The State should provide a minimum of \$15 per pupil for the purchase of such equipment.

Literary Fund - The funding capacity of the Literary Fund must be restored and protected over the next two Biennia in order that additional capital funds may be loaned to localities.

*Employee Recruitment* - Most school districts in the State have experienced severe problems in the recruitment of teachers and school principals. The State should provide incentive funds to attract and retain teachers and principals. The incentives would include:

Scholarships for instructional aides and other support personnel who wish to obtain a teaching degree.

Internships for high school and college students to acquaint them with teaching as a profession.

Pay differentials for teachers and principals working in schools with a high percentage of at risk students.

Financial incentives for new teachers including relocation and signing bonuses, interest free loans for home purchase, and tax exemptions for teachers and principals working in schools located in economic enterprise zones.

*School Governance* - Local control and flexibility in school operations is a priority for school boards if the State expects accountability standards to be meaningful and achievable by schools and students. Such flexibility involves management of school finances without mandates to relinquish control to the local governing body. Governance issues of legislative concern during the next legislative session include the following:

The local school board should have control over the school calendar and the opening and closing dates for the school year.

The present system of State waivers for school accreditation standards should be continued.

Local school boards must maintain control over the establishment and operation of charter schools as provided for in legislation adopted during the previous Biennium.

Drug testing of students and school personnel should be a local option and not mandated by the State.

Local school boards should retain the right to regulate the use of non-prescription drugs by students on school property.

The State should not provide tax credits to parents of children enrolled in private schools or tax credits for donations to fund scholarships for the attendance of children at private schools.

*Governor's School Program* - A total of 15 academic-year Governor's Schools now exist. It is imperative that the State continue to increase per pupil funding for the Governor's Schools at an annual rate of increase equivalent to the annual rate of increase in per pupil cost as computed for the State Standards of Quality.

**IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,**

**A RESOLUTION adopting and endorsing a Legislative Program for the City to be presented to the City's delegation to the 2004 Session of the General Assembly.**

**WHEREAS, the members of City Council are in a unique position to be aware of the legislative needs of this City and its people;**

**WHEREAS, previous Legislative Programs of the City have been responsible for improving the efficiency of local government and the quality of life for citizens of this City;**

**WHEREAS, Council is desirous of again adopting and endorsing a Legislative Program to be advocated by the Council and its representatives at the General Assembly; and**

**WHEREAS, the Legislative Committee of City Council has by report, dated November 17, 2003, recommended to Council a Legislative Program to be presented at the 2004 Session of the General Assembly;**

**THEREFORE, BE IT RESOLVED by the Council of the City of Roanoke as follows:**

**1. The Legislative Program transmitted by report of the Legislative Committee, dated November 17, 2003, is hereby adopted and endorsed by the Council as the City's official Legislative Program for the 2004 Session of the General Assembly.**

**2. The Clerk is directed to issue cordial invitations to the City's Senator and Delegates to the 2004 Session of the General Assembly to attend Council's meeting relating to legislative matters, to be held at 12:15 p.m., on December 1, 2003.**

**ATTEST:**

**City Clerk.**



Gloria P. Manns, Chairman  
Ruth C. Willson, Vice Chairman  
William H. Lindsey

Melinda J. Payne  
Robert J. Sparrow  
Kathy G. Stockburger

7.b.  
David B. Trinkle, M.D.  
E. Wayne Harris, Ed.D., Superintendent  
Cindy H. Lee, Clerk of the Board

Roanoke  
City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

November 17, 2003

The Honorable Ralph K. Smith, Mayor  
and Members of Roanoke City Council  
Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its November 10 meeting, the Board respectfully requests City Council to approve the following appropriations and transfers:

- \$142,174.00 from the 2003-04 Capital Maintenance and Equipment Replacement Fund to provide monies for musical instrument replacement, physical education equipment, health equipment, instructional technology equipment, administrative technology equipment, Magnet School technology equipment, facility maintenance equipment, custodial equipment, site-based furniture, maintenance vehicle replacement, food service equipment, and food service vehicle replacement.
- \$97,429.00 for the Title I School Improvement program at Roanoke Academy for Mathematics and Science. The funds will aid the division in its effort to provide strategies to increase student learning at schools with a high percentage of free lunch students. The continuing program is one hundred percent reimbursed by federal funds.

Thank you for your attention to this request.

Sincerely,

Cindy H. Lee, Clerk

re

cc: Mrs. Gloria P. Manns  
Dr. E. Wayne Harris  
Mr. Richard L. Kelley  
Mr. Kenneth F. Mundy

Mrs. Darlene Burcham  
Mr. William M. Hackworth  
Mr. Jesse A. Hall  
Mr. Jim Wells (with accounting details)



# CITY OF ROANOKE

## DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

**JESSE A. HALL**

**Director of Finance**

email: jesse\_hall@ci.roanoke.va.us

November 17, 2003

**ANN H. SHAWVER**

**Deputy Director**

email: ann\_shawver@ci.roanoke.va.us

The Honorable Ralph K. Smith, Mayor  
 The Honorable C. Nelson Harris, Vice Mayor  
 The Honorable William D. Bestpitch, Council Member  
 The Honorable M. Rupert Cutler, Council Member  
 The Honorable Alfred T. Dowe, Jr., Council Member  
 The Honorable Beverly T. Fitzpatrick, Jr., Council Member  
 The Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

We have reviewed the attached request to appropriate funding for the School Board. This report will appropriate the following:

- \$96,406 from the 2003-04 Capital Maintenance and Equipment Replacement Fund and \$45,768 from the School Food Service Fund fund balance to provide monies for musical instrument replacement, physical education equipment, health equipment, instructional technology equipment, administrative technology equipment, Magnet School technology equipment, facility maintenance equipment, custodial equipment, site-based furniture, maintenance vehicle replacement, food service equipment, and food service vehicle replacement.
- \$97,429 for the Title I School Improvement program at Roanoke Academy for strategies to increase student learning at schools with a high percentage of free lunch students. The continuing program is one hundred percent reimbursed by federal funds.

I recommend that you concur with this report of the School Board and adopt the attached budget ordinance to appropriate funding as outlined above.

Sincerely,

Jesse A. Hall  
 Director of Finance

Attachment

JAH/ctg

c: Darlene L. Burcham, City Manager  
 William M. Hackworth, City Attorney  
 Mary F. Parker, City Clerk  
 E. Wayne Harris, Superintendent of City Schools



## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

AN ORDINANCE to appropriate funding for equipment from the Capital Maintenance and Equipment Replacement Program (CMERP) and the School Food Service Fund fund balance, and to appropriate a federal grant, amending and reordaining certain sections of the 2003-2004 School and School Food Service Funds Appropriations and dispensing with the second reading by title of this ordinance.

BE IT ORDAINED by the Council of the City of Roanoke that the following sections of the 2003-2004 School and School Food Service Funds Appropriations be, and the same are hereby, amended and reordained to read and provide as follows:

**School Fund**

## Appropriations

Machinery & Equipment	030-065-6006-6009-0801	\$ 9,700
Machinery & Equipment	030-065-6006-6106-0821	3,881
Machinery & Equipment	030-065-6006-6100-0821	43,189
Construction Vehicle & Equipment	030-065-6006-6302-0806	11,228
Machinery & Equipment	030-065-6006-6307-0821	2,298
Machinery & Equipment	030-065-6006-6681-0821	18,482
Furniture & Fixtures	030-065-6006-6681-0822	128
Motor Vehicles & Equipment	030-065-6006-6684-0804	7,500
Supplements	030-061-6117-6000-0129	40,000
Social Security	030-061-6117-6000-0201	3,129
Field Trips	030-061-6117-6000-0583	22,000
Testing/ Evaluating/ Disseminating	030-061-6117-6000-0584	20,000
Food	030-061-6117-6000-0602	4,800
Educational & Recreational Supplies	030-061-6117-6000-0614	7,500
Revenues		
Federal Grant Receipts	030-061-6117-1102	97,429
Fund Balance		
Reserved for CMERP - School	030-3324	(96,406)

**School Food Service Fund**

Appropriations		
Machinery & Equipment	032-065-6006-6788-0821	11,230
Motor Vehicles & Equipment	032-065-6006-6788-0824	34,538
Fund Balance		
Unappropriated Fund Balance	032-3325	(45,768)

Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



Gloria P. Manns, Chairman  
 Ruth C. Willson, Vice Chairman  
 William H. Lindsey

Melinda J. Payne  
 Robert J. Sparrow  
 Kathy G. Stockburger

David B. Trinkle, M.D.  
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November 17, 2003

The Honorable Ralph K. Smith, Mayor  
 And Members of Roanoke City Council  
 Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its November 10 meeting, the Board respectfully requests City Council to approve a State Literary Fund loan application in the amount of \$3.1 million for improvements to Westside Elementary School. The loan application includes a resolution for architectural supervision. The debt service on the loan will increase the Board's debt service expenditure by \$248,000 commencing in FY2005-06, but no debt service liability is incurred until funds are drawn against the loan account.

The Board appreciates the approval of this request.

Sincerely,

Cindy H. Lee, Clerk

re

Enc.

cc: Mrs. Gloria P. Manns  
 Dr. E. Wayne Harris  
 Mr. Richard L. Kelley  
 Mr. Kenneth F. Mundy

Mrs. Darlene Burcham  
 Mr. William M. Hackworth  
 Mr. Jesse A. Hall

No. \_\_\_\_\_

## APPLICATION FOR LOAN FROM THE LITERARY FUND OF VIRGINIA

Name of School Westside Elementary School Name of ~~County~~ City Roanoke

TO THE STATE BOARD OF EDUCATION,

Richmond, Virginia:

Gentlemen:

The School Board for the ~~County~~ City of Roanoke hereby makes application for a loan of \$ 3.1 million from the Literary Fund of Virginia for the purpose of erecting, enlarging, or altering (making permanent improvement to) a school building located at 1441 Westside Blvd., NW as follows:  
(Describe briefly) Roanoke, VA 24017

1. The said building, addition, or permanent improvement described above, to be of Brick  
(Type of construction, brick, frame, etc.)  
will be used as a Elementary building, and is estimated to cost \$ 3.1 million.  
(Elem., H. S., Comb. Elem. & H.S.)
2. The total estimated value of the existing school plant, including site, plus the proposed building addition, or permanent improvement thereto, is \$ 5,177,170.00.
3. There is at present a loan from the Literary Fund on this Westside in the amount  
(Building or school plant)  
of \$ -0-.
4. The total amount of the loan will not exceed the cost of the building, addition, or permanent improvement thereto, and site, on account of which such loan is made.
5. The site on which this building, addition, or permanent improvement, will be located contains 14.2 acres, of which 14.2 acres are well suited and useable, or can be easily improved and made useable, for playground and recreational purposes.
6. The plans and specifications for the building or improvement, complying with Minimum School Building Requirements, have been or will be approved by the division superintendent of schools and the Superintendent of Public Instruction before construction is begun. It is understood that the State Board of Education reserves the right to withhold any part or all of the amount of this loan, if the plans and specifications approved by the Superintendent of Public Instruction are not followed.

7. The proposed building, addition, or permanent improvement, is desirable because: (Explain briefly)

Addition of ten classrooms; replacement of exterior windows, HVAC units, classroom lighting, and exterior doors; and upgrade fire alarm, intercom, and phone systems.

8. The present total indebtedness of the ~~County~~ City for school buildings is ~~XXXX~~ \$64,599,019.00 of which \$6,410,000.00 is owed to the Literary Fund.

9. This ~~County~~ City has not defaulted or failed to meet its debt service obligations as and when due for the five years except, as follows: None

10. Adequate and satisfactory supervision of construction will be provided by the school board in accordance with the provisions of "Minimum Requirements and Standards for School Buildings," Regulations State Board of Education.

11. The building or improvement for which this application for a loan is made is part of a long-range planning program in accordance with the provisions of "Minimum Requirements and Standards for School Buildings," Regulations State Board of Education, and is recommended in the study or survey made by (give title and date) \_\_\_\_\_

Five-Year Capital Improvement Fund, FY2004-08

12. This loan is to be made for 20 years, and is to be paid in 20 annual installments, with interest at the rate of 3 per centum per annum, payable annually.

13. The Board of Supervisors for the County, or the Council for the City, has by resolution (page 3 of this application agreed to provide for the repayment of this loan.

14. The School Board is not in default in the payment of any part of the principal of any previous loan from the Literary Fund and, for at least two years immediately before this loan, has not been more than six months in default in the payment of interest due on any loan from the Literary Fund.

Given under my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

THE SCHOOL BOARD OF \_\_\_\_\_ County-City

By \_\_\_\_\_, Chairman

ATTEST: \_\_\_\_\_, Clerk

SEAL



Gloria P. Manns, Chairman  
Ruth C. Willson, Vice Chairman  
William H. Lindsey

Melinda J. Payne  
Robert J. Sparrow  
Kathy G. Stockburger

David B. Trinkle, M.D.  
E. Wayne Harris, Ed.D., Superintendent  
Cindy H. Lee, Clerk of the Board

Roanoke  
City School Board P.O. Box 13145, Roanoke, Virginia 24031 • 540-853-2381 • Fax: 540-853-2951

November 17, 2003

The Honorable Ralph K. Smith, Mayor  
And Members of Roanoke City Council  
Roanoke, VA 24011

Dear Members of Council:

As the result of official School Board action at its November 10 meeting, the Board respectfully requests City Council to approve a State Literary Fund loan application in the amount of \$1.6 million for improvements to Fallon Park Elementary School. The loan application includes a resolution for architectural supervision. The debt service on the loan will increase the Board's debt service expenditure by \$128,000 commencing in FY2005-06, but no debt service liability is incurred until funds are drawn against the loan account.

The Board appreciates the approval of this request.

Sincerely,

Cindy H. Lee, Clerk

re

Enc.

cc: Mrs. Gloria P. Manns  
Dr. E. Wayne Harris  
Mr. Richard L. Kelley  
Mr. Kenneth F. Mundy

Mrs. Darlene Burcham  
Mr. William M. Hackworth  
Mr. Jesse A. Hall

No. \_\_\_\_\_

## APPLICATION FOR LOAN FROM THE LITERARY FUND OF VIRGINIA

Name of School Fallon Park Elementary School Name of ~~County~~-City Roanoke

TO THE STATE BOARD OF EDUCATION,

Richmond, Virginia:

Gentlemen:

The School Board for the ~~County~~-City of Roanoke hereby makes application for a

loan of \$ 1.6 million from the Literary Fund of Virginia for the purpose of erecting, enlarging, or altering  
(making permanent improvement to) a school building located at 502 Nineteenth Street, SE as follows:  
(Describe briefly) Roanoke, VA 24013

1. The said building, addition, or permanent improvement described above, to be of Brick  
(Type of construction, brick, frame, etc.)

will be used as a Elementary building, and is estimated to cost \$ 1.6 million  
(Elem., H. S., Comb. Elem. & H.S.)

2. The total estimated value of the existing school plant, including site, plus the proposed building addition, or permanent improvement thereto, is \$ 3,942,449.

3. There is at present a loan from the Literary Fund on this Fallon Park in the amount  
(Building or school plant)

of \$ -0-.

4. The total amount of the loan will not exceed the cost of the building, addition, or permanent improvement thereto, and site, on account of which such loan is made.

5. The site on which this building, addition, or permanent improvement, will be located contains 3 acres, of which 3 acres are well suited and useable, or can be easily improved and made useable, for playground and recreational purposes.

6. The plans and specifications for the building or improvement, complying with Minimum School Building Requirements, have been or will be approved by the division superintendent of schools and the Superintendent of Public Instruction before construction is begun. It is understood that the State Board of Education reserves the right to withhold any part or all of the amount of this loan, if the plans and specifications approved by the Superintendent of Public Instruction are not followed.

7. The proposed building, addition, or permanent improvement, is desirable because: (Explain briefly)

New rooftop HVAC, new electrical service, update fire alarm system, and replace water heaters.

8. The present total indebtedness of the ~~County~~ City for school buildings is \$64,599,019.00 of which \$6,410,000.00 is owed to the Literary Fund.

9. This County-City has not defaulted or failed to meet its debt service obligations as and when due for the five years except, as follows: None

10. Adequate and satisfactory supervision of construction will be provided by the school board in accordance with the provisions of "Minimum Requirements and Standards for School Buildings," Regulations State Board of Education.

11. The building or improvement for which this application for a loan is made is part of a long-range planning program in accordance with the provisions of "Minimum Requirements and Standards for School Buildings," Regulations State Board of Education, and is recommended in the study or survey made by (give title and date) \_\_\_\_\_

Five-Year Capital Improvement Plan, FY2004-08

12. This loan is to be made for 20 years, and is to be paid in 20 annual installments, with interest at the rate of 3 per centum per annum, payable annually.

13. The Board of Supervisors for the County, or the Council for the City, has by resolution (page 3 of this application agreed to provide for the repayment of this loan.

14. The School Board is not in default in the payment of any part of the principal of any previous loan from the Literary Fund and, for at least two years immediately before this loan, has not been more than six months in default in the payment of interest due on any loan from the Literary Fund.

Given under my hand this the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_

THE SCHOOL BOARD OF \_\_\_\_\_ County-City

By \_\_\_\_\_, Chairman

ATTEST: \_\_\_\_\_, Clerk

SEAL





# CITY OF ROANOKE

## DEPARTMENT OF FINANCE

215 Church Avenue, S.W., Room 461

P.O. Box 1220

Roanoke, Virginia 24006-1220

Telephone: (540) 853-2821

Fax: (540) 853-6142

**JESSE A. HALL**

**Director of Finance**

email: jesse\_hall@ci.roanoke.va.us

**ANN H. SHAWVER**

**Deputy Director**

email: ann\_shawver@ci.roanoke.va.us

November 17, 2003

Honorable Ralph K. Smith, Mayor  
 Honorable C. Nelson Harris, Vice-Mayor  
 Honorable William D. Bestpitch, Council Member  
 Honorable M. Rupert Cutler, Council Member  
 Honorable Alfred T. Dowe, Jr., Council Member  
 Honorable Beverly T. Fitzpatrick, Jr., Council Member  
 Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Literary Fund Loan – Fallon Park and Westside Elementary Schools

Included in the adopted Capital Improvement Program for fiscal years 2004 - 2008 is funding of \$5.0 million for improvements to Fallon Park and Westside Elementary Schools. Funding for the improvements are to be provided by the Schools using the most financially advantageous combination of general obligation public improvement bonds, Virginia Public School Authority (VPSA) Bonds, and Literary Fund loans. Literary Fund loans are advantageous due to the low 3% interest rate which may be obtained.

The attached recommendation from the School Board requests City Council's approval of State Literary Fund loan applications in the amount of \$1.6 million and \$3.1 million for the Fallon Park and Westside Elementary School Projects, respectively. This will result in debt service of approximately \$128,000 and \$248,000, respectively, commencing in FY 2005-06. Funding for this debt service will be provided by the Schools.

We concur in this request of the School Board, and recommend approval of these loan applications.

Respectfully submitted,

Jesse A. Hall  
 Director of Finance

Attachment

c: Darlene L. Burcham, City Manager  
 William M. Hackworth, City Attorney  
 Mary F. Parker, City Clerk  
 E. Wayne Harris, Superintendent of City Schools

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the School Board for the City of Roanoke to make application for a loan from the State Literary Fund for adding to and modernizing Westside Elementary School.

WHEREAS, the School Board for the City of Roanoke, on the 17th day of November, 2003, presented to this Council an application addressed to the State Board of Education of Virginia for the purpose of borrowing from the Literary Fund \$3.1 million, for improving the present school building at the Westside Elementary School, to be paid in twenty (20) annual installments, and the interest thereon at three percent (3%) paid annually.

BE IT RESOLVED that the application of the City School Board to the State Board of Education of Virginia for a loan of \$3.1 million from the Literary Fund is hereby APPROVED, and authority is hereby granted the said City School Board to borrow the said amount for the purpose set out in said application.

The Council of the City of Roanoke will each year during the life of this loan, at the time it fixes the regular levies, fix a rate of levy for schools or make a cash appropriation sufficient for appropriation expenses and to pay this loan in annual installments and the interest thereon, as required by law regulating loans from the Literary Fund.

ATTEST:

City Clerk.

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the School Board for the City of Roanoke to expend funds for improving the present school building at Westside Elementary School and declaring the City's intent to borrow to fund or reimburse such expenditures.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The School Board of the City of Roanoke is authorized to expend out of the City's capital improvement fund up to \$3.1 million for the cost of improving the present school building at Westside Elementary School ("the Project").

2. In accordance with U. S. Treasury Regulations §1.150-2, it is hereby declared that the City reasonably expects to reimburse capital expenditures and bond issuance costs for the Project with proceeds of an obligation or obligations to be incurred by the School Board and/or the City. The maximum principal amount of debt expected to be issued for the Project is \$3.1 million.

3. This is a declaration of official intent under Treasury Regulation §1.150-2.

ATTEST:

City Clerk.

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the School Board for the City of Roanoke to make application for a loan from the State Literary Fund for modernizing Fallon Park Elementary School.

WHEREAS, the School Board for the City of Roanoke, on the 17th day of November, 2003, presented to this Council an application addressed to the State Board of Education of Virginia for the purpose of borrowing from the Literary Fund \$1.6 million, for improving the present school building at the Fallon Park Elementary School, to be paid in twenty (20) annual installments, and the interest thereon at three percent (3%) paid annually.

BE IT RESOLVED that the application of the City School Board to the State Board of Education of Virginia for a loan of \$1.6 million from the Literary Fund is hereby APPROVED, and authority is hereby granted the said City School Board to borrow the said amount for the purpose set out in said application.

The Council of the City of Roanoke will each year during the life of this loan, at the time it fixes the regular levies, fix a rate of levy for schools or make a cash appropriation sufficient for appropriation expenses and to pay this loan in annual installments and the interest thereon, as required by law regulating loans from the Literary Fund.

ATTEST:

City Clerk.

## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

A RESOLUTION authorizing the School Board for the City of Roanoke to expend funds for improving the present school building at Fallon Park Elementary School and declaring the City's intent to borrow to fund or reimburse such expenditures.

BE IT RESOLVED by the Council of the City of Roanoke that:

1. The School Board of the City of Roanoke is authorized to expend out of the City's capital improvement fund up to \$1.6 million for the cost of improving the present school building at Fallon Park Elementary School ("the Project").
2. In accordance with U. S. Treasury Regulations §1.150-2, it is hereby declared that the City reasonably expects to reimburse capital expenditures and bond issuance costs for the Project with proceeds of an obligation or obligations to be incurred by the School Board and/or the City. The maximum principal amount of debt expected to be issued for the Project is \$1.6 million.
3. This is a declaration of official intent under Treasury Regulation §1.150-2.

ATTEST:

City Clerk.



# CITY OF ROANOKE

## PLANNING BUILDING AND DEVELOPMENT

215 Church Avenue, S.W., Room 166  
Roanoke, Virginia 24011  
Telephone: (540) 853-1730 Fax: (540) 853-1230  
E-mail: [planning@ci.roanoke.va.us](mailto:planning@ci.roanoke.va.us)

Architectural Review Board  
Board of Zoning Appeals  
Planning Commission

November 17, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Beverly T. Fitzpatrick, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request from Robert E. Zimmerman, represented by Roy V. Creasy, attorney, that Rorer Avenue, S.W., between 9<sup>th</sup> and 10<sup>th</sup> Streets, S.W., and two alleys running in a northerly direction from Rorer Avenue, S.W., located between parcels bearing Official Tax Nos. 1112102, 1112103, 1112104, 1112107, 1112108, 1112109, and 1112110 be permanently vacated, discontinued and closed.

### Planning Commission Action:

Planning Commission public hearing was held on Thursday, October 16, 2003. An amended motion to recommend approval of the closure at a price of \$26,600, if approved by City Council, was made by Mr. Rife, seconded by Mr. Butler and approved 6-0 (Mr. Williams absent). A roll call vote was taken on the amended motion and failed by a vote of 2-4 (Messrs. Butler and Rife voting in favor and Messrs. Chrisman, Manetta and Scholz, and Ms. Prince voting against).

### Background:

The petitioner owns all of the parcels that adjoin the subject portion of Rorer Avenue. The petitioner also owns all but one of the parcels on the southern side of the 900 block of Salem Avenue where his establishment, Roanoke Electric Supply, is located. The petitioner does not own Official Tax No. 1112110. One of the alleys requested for closure is adjoined by this parcel.

The paved portion of the 900 block of Rorer Avenue is a dead end that terminates approximately 19 feet east of the edge of the sidewalk on 10<sup>th</sup> Street. This dead end was created on Rorer Avenue after the widening of 10<sup>th</sup> Street by the Virginia Department of Transportation (VDOT).

## Considerations:

The parcels to the north of the subject portion of Rorer Avenue are zoned LM, Light Manufacturing. On the southern side the zoning is RM-2, Residential Multifamily, Medium Density District.

The petitioner's electrical supply business occupies all of the parcels on the northern side of Rorer Avenue, with the exception of Official Tax No. 1111516, which is a boarded, vacant house. The petitioner also owns two boarded, vacant houses on the southern side of Rorer Avenue. The remaining parcels on this block are vacant. The area is served by public utilities. Staff received comments from American Electric Power (AEP), Verizon and Roanoke Gas. AEP advised that it has a transmission line crossing the right-of-way and that it will "need a new easement from Mr. Zimmerman to convey to AEP the right to construct, reconstruct, operate, maintain, inspect, repair, renew, relocate (along the centerline), and the other rights that our standard easement provides AEP."

Verizon stated that it was not opposed to the request, but would need to be granted a public utility easement for facilities existing within the right-of-way. Verizon's comments did not specify whether such an easement would need to be maintained in the right-of-way and/or the alleys. Roanoke Gas advised that it does not have facilities at this location.

Water Division staff advised that a main sewer line and a 10 inch water main with multiple laterals run under the subject portion of Rorer Avenue. Transportation staff advised that the requested closure would not impact traffic, based on the information provided in the petition.

**Vision 2001-2020** contains both general references and specific action items that relate to the function, maintenance and design of the City's streets. Connectivity of the existing street grid pattern and appearance of streetscapes are two recurring themes in the plan.

The Transportation Policy Approach section of **Vision 2001-2020** states that "the street grid should be preserved (p.69)." The City Design chapter of **Vision 2001-2020** includes a *Design Schematic* for large traditional neighborhood sites, which states "where possible, neighborhood streets should connect with existing neighborhood streets to complete the street grid pattern of the surrounding area (p.103)."

The surrounding area is a mixture of traditional residential development and industrial uses. The area to the south of Rorer Avenue has remained residential since its development. Thus, the principles of this design schematic should be considered with regards to the development pattern of the existing neighborhood.

**Vision 2001-2020** also contains several references to the function of alleys in the City. The Transportation element of the plan states that "access to parking by

alleys can be an alternative to reduce the impact of cars entering and exiting lots on neighborhood streets (p.66)."

The City Design chapter of the plan states that alleys are one of the attributes of downtown neighborhoods and that "where possible, alleys should be created to serve rear access garages and parking areas (p.100)."

One of the most pertinent action items of **Vision 2001-2020** for this petition is in A3:

"Identify priorities for streetscape improvements through neighborhood plans and through a street design inventory (p.72)."

City Council adopted the Hurt Park/Mountain View/West End plan on June 16, 2003, which covers the subject portion of Rorer Avenue and adjoining alleys. The neighborhood plan is now a component of **Vision 2001-2020**. One of the High Priority Initiatives of the plan under *Infrastructure Improvements* states:

"Restore access of 10<sup>th</sup> Street at Norfolk and Rorer Avenues (p.5)."

The future land use map of the Hurt Park/Mountain View/West End neighborhood plan calls for the southern side of Rorer Avenue from 5<sup>th</sup> to 10<sup>th</sup> Street to be used for light industrial, with heavier industrial uses on the northern side. As this area lacks a clear transition between industrial and residential uses, the light industrial designation is intended to provide a minimal transition from the heavier industrial uses that lie to the north.

Closure of the subject portion of Rorer Avenue would allow the petitioner to create one industrial site, pending future rezoning of the southern side of Rorer Avenue. The petitioner owns 16 parcels, totaling 103,612 square feet, or less than 2.4 acres. The subject portion of Rorer Avenue and the adjoining alleys total approximately 21,275 square feet. Combined with the petitioner's parcels, the requested closure could result in the recombination of one parcel totaling 124,887 square feet, or approximately 2.9 acres, spanning across one and a half blocks.

While it is possible that a plan to redevelop this block could necessitate closure of Rorer Avenue, the petitioner has not offered any specific development proposals, stating only that there is future commercial or residential development potential.

The estimated value of the right-of-way and alleys combined is \$26,600, based on an assessment from the Department of Real Estate Valuation.

During the public hearing, Mr. Butler asked staff two questions: 1) Why was staff interpreting a policy approach so literally when the City ultimately was responsible for Rorer Avenue being a dead-end when 10<sup>th</sup> Street was improved; and 2) Could Rorer Avenue be reopened given the costs that would be incurred to correct the grade and signalize the intersection?



Staff replied that the widening of 10<sup>th</sup> Street by VDOT caused Rorer Avenue to be dead ended. Mr. Butler then asked staff if VDOT would have to grant permission to a developer or the City to allow Rorer Avenue to be reopened across 10<sup>th</sup> Street. Staff replied that it most likely would require VDOT approval, but that the City has some flexibility in dealing with VDOT and would work with the Petitioner (or any developer) if he desired to reopen Rorer Avenue at 10<sup>th</sup> Street.

Regarding Mr. Butler's second question as to the feasibility of reopening Rorer Avenue given the costs and engineering challenges, staff acknowledged that it would be difficult; however the Petitioner has not offered any specific future development plan. Staff stated that without a specific development proposal, the stated *High Priority Initiative* (see below) of the Hurt Park/Mountain View/West End Neighborhood Plan should be an important consideration.

Mr. Chrisman asked if staff had considered closing the alleys without vacating the subject portion of Rorer Avenue. Staff replied that the alleys serve no public purpose and vacation of them could be supported, however the Petitioner had not brought up this possibility as a stand-alone request.

Mr. Rife asked staff to clarify the report's mention of the future land use map of the neighborhood plan. Staff pointed out the area in question on the map.

#### Recommendation:

By a vote of 2-4, the Planning Commission does not recommend approval of the petitioner's request to vacate, discontinue and close the subject portion of Rorer Avenue and the adjoining alleys. The request is in direct conflict with the general goals of **Vision 2001-2020** and the specific recommendation of the Hurt Park/Mountain View/West End neighborhood plan to re-establish the connection between Rorer Avenue and 10<sup>th</sup> Street. In addition, the petitioner has not proposed any specific development plan that would require vacation of the right-of-way and alleys, or result in a use of the property that is consistent with the policies and recommendations of the neighborhood plan.

If, however, the Council should choose to approve the petitioner's request, the Commission recommends that the petitioner be charged the full amount of \$26,600, and that the closure be subject to the conditions listed below:

- A. The applicant shall submit a subdivision plat to the Agent for the Planning Commission, receive all required approvals of, and record the plat with the Clerk of the Circuit Court for the City of Roanoke. Said plat shall combine all properties which would otherwise dispose of the land within the right of way to be vacated in a manner consistent with law, retain appropriate easements for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, including the right of ingress and egress, and remove any easements which are being replaced by other new easements.

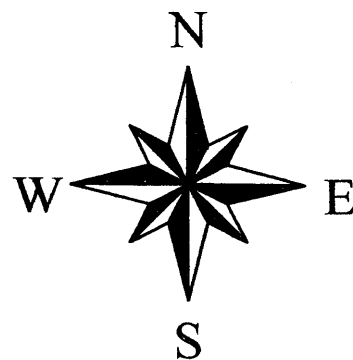
- B. Upon meeting all other conditions to the granting of the application, the applicant shall deliver a certified copy of this ordinance for recordation to the Clerk of the Circuit Court of Roanoke, Virginia, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the petitioner, and the names of any other parties in interest who may so request, as Grantees. The applicant shall pay such fees and charges as are required by the Clerk to effect such recordation.
- C. Upon recording a certified copy of this ordinance with the Clerk of the Circuit Court of the City of Roanoke, Virginia, the applicant shall file with the Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.
- D. If the above conditions have not been met within a period of one year from the date of adoption of this ordinance, then said ordinance shall be null and void with no further action by City Council being necessary.

Respectfully submitted,

  
Robert B. Manetta, Chairman  
City Planning Commission

cc: Darlene L. Burcham, City Manager  
Rolanda Johnson, Assistant City Manager for Community Development  
William M. Hackworth, City Attorney  
Steven J. Talevi, Assistant City Attorney  
Roy Creasy, Attorney for the petitioner

# 900 Block Rorer Ave, SW



IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA

IN RE: )  
 )  
 Application of Robert E. Zimmerman for ) Application for Vacating,  
 Vacation of a portion of Rorer Avenue, S.W. ) Discontinuing and Closing  
 ) of Street and Alleys  
 MEMBERS OF COUNCIL: )

Robert E. Zimmerman, applies to have a portion of Rorer Avenue, S.W. and two alleys located on sheet 111 of the zoning map, and more particularly identified on Exhibit "A" attached hereto and made a part hereof, in the City of Roanoke, Virginia, permanently vacated, discontinued and closed, pursuant to Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended. This portion of said Rorer Avenue is more particularly described on the Exhibit "A" attached hereto.

Robert E. Zimmerman states that the grounds of this application are as follows:

1. That your Petitioner owns all the lots adjoining said road except official Tax Map No. 1112110 (which fronts on 9<sup>th</sup> Street S.W.) and as shown on Exhibit A.
2. That the entrance of that portion of Rorer Avenue to be vacated on 10<sup>th</sup> street has been barricaded and by virtue of the steep slope at that location said 10th Street and Rorer Avenue cannot be connected without extensive grading on Rorer Avenue.
3. That the area around the barricade is in disrepair and has been used for drinking of alcoholic beverages and suspected drug use.
4. That with the closure of this portion of Rorer Avenue, S.W. and said alleys, the lots owned by your Petitioner could be used for the development of a large commercial or residential complex.
5. The proposed closed Rorer Avenue and the two alleys upon vacation shall be split in two and become part of the respective lots which adjoin the said Rorer Avenue and alleys.

[Redacted Signature]

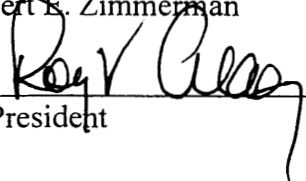
Roy V. Creasy

Attorney At Law  
 Roanoke, Virginia

WHEREFORE, Robert E. Zimmerman respectfully requests that the above described sheet and alleys be vacated by the Council of the City of Roanoke, Virginia, in accordance with Virginia Code Section 15.2-2006 and Section 30-14, Code of the City of Roanoke (1979), as amended.

Respectfully submitted,

Robert E. Zimmerman

By:   
President

Roy V. Creasy, Esquire  
213 S. Jefferson Street  
Suite 915  
Roanoke, Va 24011-1735



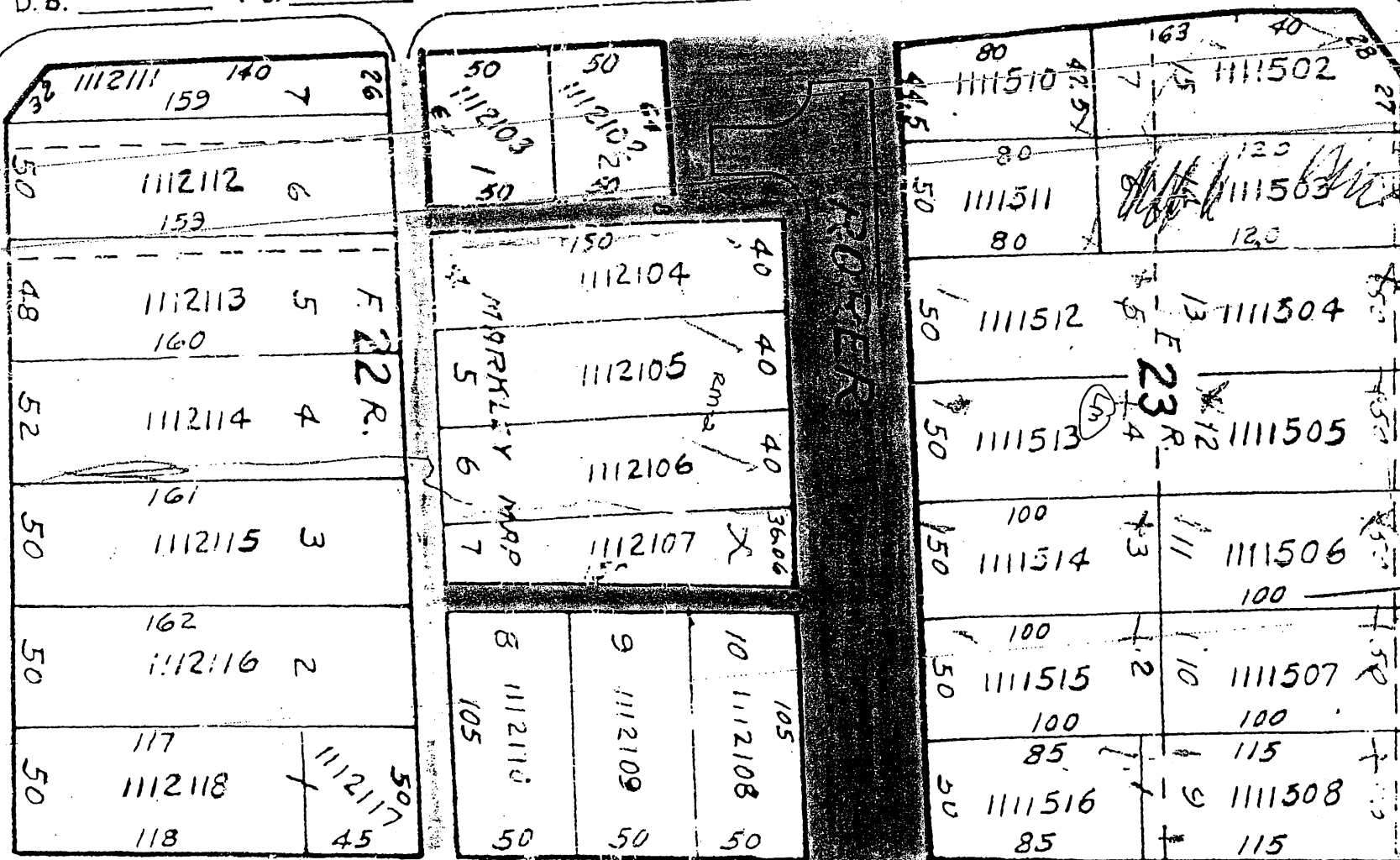
Roy V. Creasy

Attorney At Law  
Roanoke, Virginia

STORM WATER MANGT. AREA  
SEE MAINT. AGREEMENT  
D.B. \_\_\_\_\_ PG. \_\_\_\_\_

10th

DATERSAN.



SALEM

9th

(WEBB)

ST  
10/24/03

IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE permanently vacating, discontinuing and closing a certain public right-of-way in the City of Roanoke, Virginia, as more particularly described hereinafter; and dispensing with the second reading of this ordinance.

WHEREAS, Robert E. Zimmerman filed an application to the Council of the City of Roanoke, Virginia, in accordance with law, requesting the Council to permanently vacate, discontinue and close the public right-of-way described hereinafter;

WHEREAS, the City Planning Commission, after giving proper notice to all concerned as required by §30-14, Code of the City of Roanoke (1979), as amended, and after having conducted a public hearing on the matter, has made its recommendation to Council;

WHEREAS, a public hearing was held on such application by the City Council on November 17, 2003, after due and timely notice thereof as required by §30-14, Code of the City of Roanoke (1979), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such application;

WHEREAS, it appearing from the foregoing that the land proprietors affected by the requested closing of the subject public right-of-way have been properly notified; and

WHEREAS, from all of the foregoing, the Council considers that no inconvenience will result to any individual or to the public from permanently vacating, discontinuing and closing such public right-of-way.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke, Virginia, that the public right-of-way situate in the City of Roanoke, Virginia, and more particularly described as follows:

That portion of Rorer Avenue, S.W., between 9<sup>th</sup> and 10<sup>th</sup> Streets, S.W., and two alleys running in a northerly direction from Rorer Avenue, S.W., located between parcels bearing Official Tax Nos. 1112102, 1112103, 1112104, 1112107, 1112108, 1112109, and 1112110

be, and is hereby permanently vacated, discontinued and closed, and that all right and interest of the public in and to the same be, and hereby is, released insofar as the Council of the City of Roanoke is empowered so to do with respect to the closed portion of the right-of-way, reserving however, to the City of Roanoke and any utility company, including, specifically, without limitation, providers to or for the public of cable television, electricity, natural gas or telephone service, an easement for sewer and water mains, television cable, electric wires, gas lines, telephone lines, and related facilities that may now be located in or across such public right-of-way, together with the right of ingress and egress for the maintenance or replacement of such lines, mains or utilities, such right to include the right to remove, without the payment of compensation or damages of any kind to the owner, any landscaping, fences, shrubbery, structure or any other encroachments on or over the easement which impede access for maintenance or replacement purposes at the time such work is undertaken; such easement or easements to terminate upon the later abandonment of use or permanent removal from the above-described public right-of-way of any such municipal installation or other utility or facility by the owner thereof.



BE IT FURTHER ORDAINED that the applicant shall submit to the Subdivision Agent, receive all required approvals of, and record with the Clerk of the Circuit Court for the City of Roanoke, a subdivision plat, with such plat combining all properties which would otherwise be landlocked by the requested closure, or otherwise disposing of the land within the right-of-way to be vacated in a manner consistent with law, retaining appropriate easements, together with the right of ingress and egress over the same, for the installation and maintenance of any and all existing utilities that may be located within the right-of-way, and vacating any easement which is being replaced by a new easement shown on such plat.

BE IT FURTHER ORDAINED that prior to receiving all required approvals of the subdivision plat referenced in the previous paragraph, the applicant shall give to the Treasurer for the City of Roanoke a certified check or cash in the amount of twenty-six thousand six hundred dollars and no cents (\$26,600.00) as consideration for this action taken by City Council.

BE IT FURTHER ORDAINED that the applicant shall, upon meeting all other conditions to the granting of the application, deliver to the Clerk of the Circuit Court of the City of Roanoke, Virginia, a certified copy of this ordinance for recordation where deeds are recorded in such Clerk's Office, indexing the same in the name of the City of Roanoke, Virginia, as Grantor, and in the name of the Petitioner, and the names of any other parties in interest who may so request, as Grantees, and pay such fees and charges as are required by the Clerk to effect such recordation.

BE IT FURTHER ORDAINED that the applicant shall, upon a certified copy of this ordinance being recorded by the Clerk of the Circuit Court of the City of Roanoke, Virginia, where deeds are recorded in such Clerk's Office, file with the City Engineer for the City of Roanoke, Virginia, the Clerk's receipt, demonstrating that such recordation has occurred.

BE IT FURTHER ORDAINED that if the above conditions have not been met within a period of twelve (12) months from the date of the adoption of this ordinance, then such ordinance shall be null and void with no further action by City Council being necessary.

BE IT FINALLY ORDAINED that pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



**CITY OF ROANOKE**  
**PLANNING BUILDING AND DEVELOPMENT**

215 Church Avenue, S.W., Room 166  
Roanoke, Virginia 24011  
Telephone: (540) 853-1730 Fax: (540) 853-1230  
E-mail: [planning@ci.roanoke.va.us](mailto:planning@ci.roanoke.va.us)

November 17, 2003

Architectural Review Board  
Board of Zoning Appeals  
Planning Commission

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Beverly T. Fitzpatrick, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Harrison/Washington Park Neighborhood Plan

Planning Commission Action:

Planning Commission public hearing was held on Thursday, October 16, 2003. By a vote of 6-0 (Mr. Williams absent), the Commission recommended approval of the Harrison/Washington Park Neighborhood Plan.

Background:

The Harrison/Washington Park Neighborhood Plan was developed over a series of meetings and community workshops sponsored by the City's Planning Building and Development Department. The plan was developed by working with the Harrison / Washington Park neighborhood residents to identify and evaluate existing neighborhood conditions and concerns.

Mr. Jacques Scott, City Planner, reported on the Harrison and Washington Park Neighborhood Plan priority initiatives. Mr. Scott also reported on several issues of the plan that came apparent before the last Planning Commission meeting in September. Mr. Scott stated that the issues since then have been researched, noted, and resolved. There were no residents present to address the Commission regarding the plan at the public hearing.

Consideration:

*Vision 2001-2020* recommends that detailed neighborhood plans be developed and adopted for each of Roanoke's neighborhoods.

The plan for the Harrison/Washington Park has been reviewed by the neighborhood, by City staff and by the Long Range Planning Committee of the Planning Commission.

In the planning process, residents and staff identified the following major issues facing the two neighborhoods:

- *Code enforcement concerns*
- *Large numbers of low income multifamily units*
- *Compatibility of infill development*
- *Tenth Street Improvements*
- *Aging housing stock*

The plan identifies four high priority initiatives:

- *Encouraging a balance of housing choices in all price ranges and housing options that promote social and economic diversity.*
- *Promoting general physical enhancement through continued code enforcement efforts.*
- *Adopting the Neighborhood Design District to encourage compatible infill housing.*
- *Improving the appearance and function of major streets.*

The plan also includes a future land use map to guide development and zoning patterns in the neighborhoods.

Recommendation:

The Planning Commission, by a vote of 6-0, recommends approval of the Harrison/Washington Neighborhood Plan for adoption as a component of *Vision 2001-2020* comprehensive plan.

Respectfully submitted,

A handwritten signature in black ink that reads "Robert B. Manetta". Below the signature, the word "POST" is written in a stylized, blocky font.

Robert B. Manetta, Chairman  
City Planning Commission

cc: Darlene L. Burcham, City Manager  
Rolanda Russell, Assistant City Manager for Community Development  
William M. Hackworth, City Attorney  
Steven J. Talevi, Assistant City Attorney

IN THE PLANNING COMMISSION OF THE CITY OF ROANOKE, VIRGINIA

This 16th day of October, 2003

A RESOLUTION recommending the adoption of the Harrison and Washington Park Neighborhood Plan as an element of the City's Comprehensive Plan.

WHEREAS, a series of community workshops were held in the Harrison and Washington Park neighborhoods to gain input into the plan;

WHEREAS, the draft plan has been reviewed by the neighborhood, city staff, and the Long Range Planning Committee of the City of Roanoke Planning Commission; and

WHEREAS, the Harrison and Washington Park Neighborhood Plan has been advertised in accordance with Section 15.2-2204 of the Code of Virginia (1950), as amended, and pursuant to that notice, a public hearing was held on October 16, 2003, at which all persons having an interest in the matter were given a chance to be heard.

BE IT RESOLVED by the Planning Commission of the City of Roanoke that it recommends to City Council that the Harrison and Washington Park Neighborhood Plan, dated October 16, 2003, be adopted as an element of the City's Comprehensive Plan, and that by signature of its Chairman below, the Planning Commission hereby certifies the attached copy of the neighborhood plan to City Council.

ATTEST:

A handwritten signature in black ink, appearing to read "Robert Manetta", with a stylized flourish at the end. Below the signature, the word "Chairman" is printed.

Chairman

# **Harrison and Washington Park Neighborhood Plan**

**Recommended by Planning Commission  
October 16, 2003**



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## **Introduction**

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The Harrison and Washington Park neighborhoods are distinct areas, but are being combined into one plan to facilitate completion of plans throughout the city. The Harrison neighborhood is bounded by Orange Avenue on the north, by Moorman Road on the south, by 5<sup>th</sup> Street on the east, and by 14<sup>th</sup> Street on the west. The neighborhood provides the opportunity for traditional historic neighborhood living. Washington Park is defined as the area bounded on the north by I-581, on the south by Orange Avenue, on the east by I-581, and on the west by 10<sup>th</sup> Street. The area offers a traditional neighborhood setting in addition to several multifamily developments.

This plan is a component of *Vision 2001-2020*, Roanoke's 20-year comprehensive plan. *Vision 2001-2020* recommends the development of neighborhood plans in order to provide a more detailed assessment of the neighborhoods and to provide a guide for future decisions. This plan identifies significant issues that need to be addressed in the future. Discussion is organized into the following six elements:

- Community Design
- Residential Development
- Economic Development
- Infrastructure
- Public Services
- Quality of Life

Planning staff conducted a detailed study of current neighborhood conditions such as land use patterns, housing, and infrastructure. Residents were involved with the development of the plan through workshops and draft reviews. This plan is a reflection of participation from residents, neighborhood stakeholders, and City of Roanoke planning staff. Citizen participation through meetings, phone calls, and email was a valuable part of the neighborhood planning process. The major issues identified through the process include:

- Aging housing
- Code enforcement
- Large numbers of low income multifamily units
- Compatibility of infill development
- Tenth Street improvements

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This plan makes recommendations for neighborhood improvement and development. Most recommendations are for action over a 5-year period, while some recommendations are longer term. Major recommendations include:

- *Encouraging a balance of housing choices in all price ranges and housing options that promote social and economic diversity.*
- *Promoting general physical enhancement through continued code enforcement efforts.*
- *Adopting the Neighborhood Design District to encourage compatible infill housing.*
- *Improving the appearance and function of major streets.*

A goal of the planning process was to involve the community in determining its own future. While city government will be a major participant in implementing this plan, citizen involvement will be essential. Harrison and Washington Park residents must take an active role in neighborhood improvement, cooperating with City departments, monitoring progress, and getting involved in implementation.

### **History**

Harrison and Washington Park are historically single-family neighborhoods. However, the neighborhoods have seen some increases in commercial and industrial uses. In the Harrison neighborhood, most of the homes were built between 1900 and 1920. Many of the original homes are still standing and contribute to the historic character of the neighborhood. The Washington Park neighborhood experienced new development between 1920 and 1960. After World War II, many people settled in the northwestern area of the neighborhood.

### **Development Milestones:**

- 1914: Harrison School was built as the first school for Blacks in the Roanoke Valley.
- In the 1920s, a small commercial area developed on Moorman Road and Fairfax Avenue.
- Lucy Addison School was built in 1950 to accommodate the growing population.
- Washington Park was used as a landfill in the 1950s; it was capped and the park was established in the early 1960s.
- Lincoln Terrace public housing project was built in 1952.
- In 1954, Burrell Hospital was built; the hospital was the first in the Valley for the Black community.
- Afton Apartments (low-income subsidized housing), formally Britewood Apartments, were developed in 1970.
- Hunt Manor was developed in 1974.
- Brown-Robertson Park was established in 2002.



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### **Population**

The population in the area increased between 1990 and 2000. In addition, the area also had an increase in households. The study area experienced an increase in Black residents and residents of other races, while White residents decreased by 17%. The area also experienced substantial increases in the number of younger and middle age populations, while the number of younger adults and the elderly decreased.

To compare demographic changes between 1990 and 2000, census tract level information had to be used. However, the census tracts do not match neighborhood boundaries and include substantial portions of surrounding areas. The chart below compares the same census tracts in both 1990 and 2000.

**Table 1: Demographic Trends 1990 -2000**

<b>Year</b>	<b>1990</b>	<b>2000</b>	<b>% Change</b>
Population	5719	5976	+4.5%
White	709	587	-17.2%
Black	4968	5193	+4.5%
Other races	42	193	+359.5%
0-17 years old	1485	1776	+19.6%
18-34 years old	1523	1185	-22.2%
34-65 years old	1788	2205	+23.3%
65 years old and over	923	824	-10.7%
Households	2230	2439	+9.4%

Source: U.S. Census Bureau; 1990 and 2000 Census

A more accurate count is provided by looking at census blocks, which are small portions of census tracts. In 2000, the population of the Harrison and Washington Park neighborhoods was 2,273, about 2.4% of Roanoke's population. The area has a predominately Black population. The largest age bracket is 35 - 64. In the Harrison neighborhood, the population is 1,019, with 393 households, and in Washington Park, the population is 1,254, with 531 households. Census data indicate the following trends:

- Minority populations are increasing
- Increases in youth and middle age brackets
- Large youth population
- Large percentage of renter occupants compared to city

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<b>Table 2: Demographic Trends</b>			
	<b>Harrison and Washington Park Neighborhoods in 2000</b>	<b>Neighborhood %</b>	<b>Roanoke %</b>
Population	2,273	-----	-----
Black	1,921	84%	27%
White	271	12%	69%
Other Races	81	4%	4%
Ages 0-17	670	29%	23%
Ages 18-34	459	20%	23%
Ages 35-64	788	35%	38%
Ages 65 – over	356	16%	16%
Households	924	-----	-----
Owner	398	43%	56%
Renter	526	57%	44%
Source: U.S. Census Bureau, Census 2000			

## **Community Design**

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Harrison is a traditional urban neighborhood that was developed in the early 1900s that mainly consists of older single-family homes. Multifamily housing and limited commercial uses are scattered throughout the area. *Vision 2001-2020* designated a small area along 11<sup>th</sup> Street as a village center.

Noted developments in the Harrison neighborhood are the Harrison Museum of African American Culture, which is the old Harrison School, the old Burrell Memorial Hospital, five churches, a funeral home, three convenience stores, and one gas station.

Alleys provide access to the rear of properties. Rolling terrain provides views of downtown and surrounding areas.

Washington Park, a neighborhood with traditional and suburban characteristics, developed between 1920 and 1960. It contains areas of single-family detached homes on small lots, large multifamily apartment complexes, and commercial / industrial areas. *Vision 2001-2020* identifies a small area along 10<sup>th</sup> Street and Andrews Road as a village center.

Noted land uses in the Washington Park area include the Roanoke City School Board Administration building (once the Booker T. Washington High School), Booker T. Washington Park, Addison Middle School, Lincoln Terrace Elementary School, and a small industrial area. The neighborhood has few street trees. Topography is rolling, streets in the areas to the south and far east of the neighborhood have a grid pattern, while others are interrupted by dead-ends, due to the fact that Booker T. Washington Park is positioned in the center of the area.

Orange Avenue, a busy four-lane arterial street, represents an edge between the Harrison and Washington Park neighborhoods. A variety of streetscapes is common considering the urban location in the city. Orange Avenue and 10<sup>th</sup> Street are the busiest streets within both neighborhoods. Historically, homes lined both sides of Orange Avenue from Burrell/Gainsboro Road to 10<sup>th</sup> Street. Today, many of the properties are now vacant and wooded, especially the area near Washington Park.

Most streets in the Harrison neighborhood are medium to narrow in width. Several streets such as Rutherford and Madison Avenues are narrow to the extent that only a single lane of traffic can flow between parked cars.

Vacant land is abundant in the neighborhoods, accounting for 604 parcels and 30% of the land area. Over 90% of the vacant land has been classified as developable by Roanoke's Real Estate Valuation Office, so there are many opportunities for infill development. In addition, the need for improved maintenance and code enforcement of existing structures will be a deciding factor for the successful development of vacant parcels.

In the Washington Park area, vacant lots have become infested with rodents. Many residents have complained that rodents are a problem along 10<sup>th</sup> Street in the 1800 block of Liberty Road, behind Lincoln Terrace School.

## **Zoning and Land Patterns**

Most of the Harrison neighborhood is residential, with the exception of the corridor along Orange Avenue from 10<sup>th</sup> Street to 14<sup>th</sup> Street and along 11<sup>th</sup> Street, which are

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mainly zoned and used for commercial uses. The Harrison neighborhood is primarily zoned Residential Multifamily, Medium Density District (RM-2), which encourages medium-density population with a mix of single and multifamily development.

The Washington Park neighborhood is primarily zoned Residential Multifamily, Medium Density District (RM-2), which encourages medium-density population with a mix of housing types. A small residential area located north of 10<sup>th</sup> Street, from Andrews Road to Hunt Avenue is zoned (RM-1), Residential Multifamily, Low Density. The RM-1 zoning designation is intended to promote and encourage the revitalization and preservation of traditional single-family neighborhoods. West of 10<sup>th</sup> Street, on Rockland Avenue, are several businesses zoned Light Manufacturing (LM).

There are four identifiable nodes that form centers of activity:

- Large Village Center - Along the 1000 and 1100 block of Orange Avenue, Moorman Road, and along 11<sup>th</sup> Street, is the primary commercial center for the area. The existing zoning, General Commercial (C-2), reflects the emphasis on retail and other services in this area. However, this zoning could encourage commercial development that is out of scale with the neighborhood.
- Small Village Center – The area along 10<sup>th</sup> Street near Brown-Robertson Park is a small village center with potential for expanded services.
- Public Housing Complex – The Villages at Lincoln (formally Lincoln 2000) public housing development forms a mix of single and multifamily residences. Other public multifamily housing developments are Hunt Manor and Afton Apartments, located along Hunt Avenue.
- Industrial Area – A small industrial area is found in the vicinity of Rockland Avenue and Andrews Road in the Washington Park neighborhood. This area contains commercial retail, manufacturing, and storage facilities. The area is zoned Light Manufacturing (LM) district.

**Table 1: Existing Zoning  
Washington Park and Harrison**

<b>Zoning Districts</b>	<b>Number of Parcels</b>	<b>Acreage</b>	<b>Percentage of Land</b>
Office District C-1	29	5	1%
General Commercial C-2	30	12	3%
Light Manufacturing LM	7	30	8%
Residential Single-family (RS-3)	120	42	12%
Residential Multifamily Low Density RM-1	328	55	15%
Residential Multifamily Medium Density RM-2	951	222	61%
<b>Total</b>	<b>1465</b>	<b>366</b>	<b>100%</b>

Source: City of Roanoke, Department of Real Estate Valuation

**Table 2: Population and Housing**

	<b>Harrison Neighborhood</b>		<b>Washington Park Neighborhood</b>		<b>Roanoke</b>
	<b>Count</b>	<b>%</b>	<b>Count</b>	<b>%</b>	<b>%</b>
Total Population	1028		1771		
Black	911	88½ %	1507	85%	27%
White	88	8½ %	200	11%	69%
Other Races & Multiracial	29	3 %	64	4%	4%
Age distribution					
0-17 years	247	24 %	621	35%	23%
18-34 years	189	18½ %	384	22%	23%
35-64 years	374	36½ %	565	32%	38%
65 years & over	218	21 %	201	11%	16%
Housing Units	477		949		
Owner	180	38 %	256	27%	56%
Renter	222	46½ %	495	52%	44%
Vacant	77	15½ %	198	21%	7%
Source: U.S. Census Bureau, Census 2000					

The predominant land use is residential, which occupies 44% of the area's land. Vacant properties make up 30% of land in the study area. Most of the multifamily housing is concentrated in the Washington Park neighborhood.

### Issues

- Vacant land needs to be developed with appropriately-designed infill housing.
- Concentration of high density public housing
- Access to basic retail and services
- Overgrowth lots producing rodents

### Policies

- Roanoke will implement zoning patterns that allow for and encourage the Harrison and Washington Park neighborhoods to be mixed-use urban neighborhoods with opportunities for housing, employment, and services for all ages, races, and incomes.
- The Harrison and Washington Park neighborhoods are recognized as having unique architectural and historic value to the city. Therefore, Roanoke must ensure that future development is compatible with the neighborhood fabric. The

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design of new development should enhance and contribute to the neighborhood's continued viability.

- A village center is designated along 11<sup>th</sup> Street between Orange Avenues and Centre. The areas immediately surrounding the village center will be designated for higher-density residential development.
- Encourage a balance of sustainable range of housing choices in all price ranges and options that encourage social and economic diversity. Discourage the concentration of federally subsidized housing.
- Encourage attractive streets that support auto, pedestrian, and bicycle transportation modes.
- Encourage development of a village center at 10<sup>th</sup> Street and Andrews Road.

### **Actions**

- Initiate comprehensive rezoning to encourage the desired development patterns in accordance with the Future Land Use map.
- Identify vacant lots and develop neighborhood initiatives for development of those lots in a manner consistent with the policies of this plan.

## **Residential Development**

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The Harrison neighborhood has a considerable amount of aging housing stock. Most of the homes were constructed between 1900 and 1930, with most being built during the 1920s.

During the 1940s, following the WWII, Washington Park experienced a housing boom. Orange, Hanover, Alview, Rockland, and Kellogg Avenues saw a considerable amount of development in the late 1940s. The largest concentration of new homes is in The Village at Lincoln (formally Lincoln 2000) and on Kellogg Avenue.

Washington Park has experienced positive changes with the Lincoln 2000 project. This project is using a HOPE VI grant from the U.S. Department of Housing and Urban Development to revitalize the Lincoln Terrace public housing development. Its goals are to involve its residents socially and economically into the surrounding community. When the Lincoln 2000 project is completed, 50 duplex units and 10 single-family homes will replace 33 existing apartment buildings (145 units). These new units include rental housing and lease/purchase homeownership units to create a continuum of housing opportunities on the site.

Afton Garden Apartments located on Hunt Avenue near The Village at Lincoln is a 108-unit government assisted apartment complex. In 2002, Afton Apartments underwent significant renovations, including new siding, appliances, carpet, and heating/air-conditioning systems. Several neighborhood residents mentioned that Afton apartments and The Village at Lincoln renovations were a great improvement from past conditions. Hunt Manor, also a public housing development, is located beside Afton Gardens Apartments. This 96-unit apartment complex was built in 1970.

*Vision 2001 – 2020* recommends against concentration of federally subsidized, assisted, or affordable housing. In addition, *Vision* mentions that publicly assisted housing efforts and shelters will be equitably distributed in all parts of the region. In the Washington Park neighborhood alone, there are three publicly assisted housing developments, representing the highest concentration of public housing in the valley.

## **Housing Conditions**

The design of older houses adds a sense of history and character to a neighborhood, but this housing tends to require a greater cost of maintenance. Lack of maintenance of homes and weed overgrowth in the area have contributed to blight, especially in the Harrison neighborhood.

The *21<sup>st</sup> Century Challenge Final Report* (Roanoke Regional Housing Network), reported that 84% of the houses in the Harrison neighborhood were in fair to good condition. Owner-occupied units tended to be in better condition than renter-occupied units.

The area experienced a decrease in home-ownership between 1990 and 2000. Most of the newer development in the study area has been single-family homes. The area provides excellent opportunities for new market-rate housing. More single-family and two-family residential development should be encouraged throughout the study area. The development of vacant lots and infill housing are complex topics, and require partnerships between the public and private sectors to develop strategies for specific areas.

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The entire Harrison neighborhood is designated as a conservation/rehabilitation district. This designation makes special programs and incentives available to encourage rehabilitation.

While there are many architectural styles in both neighborhoods, the most common in the Harrison area is the two-story Foursquare with wood siding. In Washington Park, the small Bungalow is most prevalent. Many residents feel that a consistent design character is important to the neighborhood. Residents are concerned about the design of new infill housing and feel that new development should “fit in” with the other homes in the neighborhood.

### **Key Development Opportunities**

***Harrison neighborhood*** - The neighborhood has a large number (604) of vacant lots scattered throughout that would provide opportunities for infill development. These lots are generally narrow and some have steep terrain. Most are appropriate for single-family or two-family residential development. New infill housing development is needed in the Harrison neighborhood to add economic stability and help to address the problems associated with blight and vacant lots. Infill development should be carefully designed to ensure compatibility with existing houses. Current zoning of the Harrison area is mainly RM-2 (multifamily residential). A zoning that encourages single-family development with scattered duplexes would be more appropriate.

***Harrison School*** - Formerly a school for the African American community, now houses the Harrison Museum of African American Culture on the first floor, and has subsidized housing on the remaining upper floors. This historic building would be appropriate for mixed income multifamily residential, with a community-oriented use on the first floor.

***Carroll Avenue (along 8<sup>th</sup> Street)*** – This property is near the Addison Middle School walking track (Washington Park neighborhood). The street could possibly be extended through to 10<sup>th</sup> Street. The site is sloped and wooded. The area is surrounded by single-family residences. Zoning for the site is Residential Single Family, RS-3. This site would be appropriate for market rate single-family development.

***Marlian Avenue (between 10<sup>th</sup> Street and Hunt Avenue)*** – This property has potential for 20 -25 new single-family dwellings. Development would require installation of a street in an existing strip of land. Extension of Marlian Avenue east of 10<sup>th</sup> Street would facilitate development of a 5.6-acre property of single-family housing.

***Rockland Avenue and 10<sup>th</sup> Street*** (site between Rockland and Hunt, Rockland and Kellogg) – This property is 5.6 acres and has potential to be developed for over 20 new dwellings. Development would require installation of a street that extends from 10<sup>th</sup> Street or Rockland Avenue to Hunt Avenue.

***Rockland Avenue*** (along Rockland and behind Hunt Manor) – This site has potential for 15 or more new dwellings and would require installation of a street to Hunt Avenue.



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### **Issues**

- Blighted, abandoned, and aging housing stock
- High number of vacant parcels
- High concentration of low income, multifamily housing in the area
- Repeated code violations
- Need for compatible housing design
- Low homeownership rates

### **Policies**

- Roanoke will encourage the Harrison-Washington Park neighborhoods to be a mixed-use urban neighborhood with opportunities for housing, employment, and services for all ages, races, and incomes.
- The design of new infill housing should be compatible with existing development.
- Encourage development of market-rate, owner occupied housing.
- Promote a balance of housing choices in all price ranges and options that encourage social and economic diversity. Discourage the concentration of federally-subsidized housing in the neighborhood.
- Encourage more homeownership in the neighborhood to a rate of at least 50%.
- Encourage stewardship of vacant properties through code enforcement.
- Encourage infill development of vacant parcels.

### **Actions**

- Implement Neighborhood Design District overlay zoning.
- Amend the zoning map where needed to reduce density in areas with an over-concentration of multifamily housing.
- Provide incentives to encourage compatible market-rate housing development.
- Identify opportunities for new residential development.
- Neighborhood organizations should collaborate with interested home developers to address the infill needs of the community.
- Develop a strategy to encourage market rate infill housing development.
- Ensure continued code enforcement efforts, especially with respect to housing maintenance and vacant lot maintenance.
- Expand the Rehabilitation District in the Washington Park neighborhood.

## **Economic Development**

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The *Vision 2001-2020* Comprehensive Plan advocates development of village centers as an economic development strategy to strengthen neighborhoods. Many of Roanoke's traditional neighborhoods developed as "villages", self-contained centers that provided opportunities for people to live, work, shop, play, and interact in a local setting. Village centers offer amenities typically not found in suburban areas such as convenient access to schools, local services, and places of employment.

The largest concentration of commercial development occurs along Orange Avenue, Moorman Road, and 11<sup>th</sup> Street. The area from 10<sup>th</sup> Street to 14<sup>th</sup> Street is zoned General Commercial (C-2), which allows for general commercial uses. The 11<sup>th</sup> Street corridor is designated in *Vision 2001-2020* as a village center. Future development and revitalization should be geared toward providing a healthy mix of small-scale, neighborhood-oriented uses. The 11<sup>th</sup> Street village center currently features an auto parts store, a gas station, a funeral home, the Blue Ridge Housing office, and a number of convenience stores. These establishments are accessible on foot by nearby residents. Buildings are positioned toward the front of the property with most parking provided on street. Residents expressed a need for a grocery store, day care services, and a community center closer to the neighborhood.

Several residents expressed concern about establishments on 11<sup>th</sup> Street, noting improper business practices, alcohol-related offenses, and loitering. This area has high foot traffic during the day and loitering at night. A community challenge will be to maintain public safety while encouraging commercial services within the neighborhood.

*Vision 2001-2020* designates a small area along 10<sup>th</sup> Street between Andrews Road and Syracuse Avenue as a potential Village Center. The area contains a small shop, a convenience store/gas station and a plant nursery. Brown-Robertson Park is located on the other side of 10<sup>th</sup> Street. This area has high foot traffic from the surrounding neighborhood, but does not have a complete sidewalk system. In addition, parts of this area are located in a flood zone.

Industrial uses are located near the northwestern border of the Washington Park neighborhood along Rockland Avenue and Court Street, next to I-581. The area is well established and economically viable. The businesses include a warehouse, a manufacturing facility, and a wholesale equipment establishment. This area also contains a large vacant parcel on the corner of Rockland Avenue and Court Street, the parcel would be appropriate for a light industrial use.

Both neighborhoods have a disproportionate amount of the City's low-income residents. The median annual household income for all income brackets is over \$12,000 less than the average for the City. The high number of low-income residents is partially due to three publicly-assisted housing developments located in the Washington Park neighborhood.

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**Table 3 : Household Income 2000**

Income Bracket	Study Area		City of Roanoke
	Number of Households	Average	Average
\$0 - \$14,999	949	38.4%	22.7%
\$15,000 - \$24,999	480	19.4%	17.8%
\$25,000 - \$34,999	362	14.6%	16.0%
\$35,000 - \$49,999	371	15.0%	17.1%
\$50,000 - \$99,999	284	11.5%	21.3%
\$100,000 +	25	1.0%	5.0%
<b>Total</b>	<b>2471</b>	<b>100.0%</b>	<b>99.9%</b>

Source: U.S. Census Bureau, Census 2000

The median household income for the study area (\$18,269) is considerably less than the citywide average for Roanoke (\$30,719). The two lowest median income averages (block groups 1 and 4, census tract 7) are found in the Washington Park neighborhood.

**Table 4: Median Household Income, 2000**

Census Tract/Block Group					All Groups	City of Roanoke
2.2(partial)	7.1	7.3	7.4	8.1(partial)	Average	Average
\$26,133	\$13,500	\$18,269	\$12,396	\$21,776	\$18,415	\$30,719

Source: U.S. Census Bureau; 2000 Census

Low levels of income are an issue for the Harrison and Washington Park area. In addition, the education level of the average adult above the age of 25 is substantially lower than that of the average City resident of similar age.

	Average	City of Roanoke Average
Less than high school	40%	24%
High School	30%	30%
Some College	18%	21%
Associates Degree	6%	6%
Bachelors Degree	4%	12%
Graduate or Professional Degree	2%	7%
<b>Total</b>	<b>100.0%</b>	<b>100.0%</b>

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Part of the Village at Lincoln project is the remodeling of the administration building for a new Opportunity Center, which will provide a small business center, space for training, and offices. Such community outreach facilities and programs can play an important part in the broader community's issues of low incomes and education levels in the Harrison and Washington Park neighborhoods.

### **Issues**

- Low levels of income and education.
- Relationship between commercial and residential uses.
- Establishing 11<sup>th</sup> Street as a safe and viable neighborhood commercial area.

### **Policies**

- Support, retain, and expand businesses that are compatible with neighborhood character and scale.
- Encourage a diversity of housing choices in all price ranges that encourages a social and economic balance.
- Encourage a mix of uses that will improve vitality and continuous use of existing commercial areas.
- Encourage good relationships between commercial and residential development through thoughtful site and building design, landscaping, and transitional uses.
- Support initiatives that retain and expand businesses aimed to create jobs for the residents in the neighborhood.
- Ensure that job training and education programs are available to residents.
- Develop commercial design guidelines.
- Consider placing public service facilities in village centers.

### **Actions**

- Evaluate the market for a grocery store that can be conveniently located to serve northwest neighborhoods and downtown.
- Implement zoning that will encourage the appropriate uses and scales in the village centers. In addition, commercial design guidelines should be developed to guide the form of new commercial development.
- Improve the buffer on Court Street adjacent to the LM district by planting trees and/or establishing green space.
- Target the area for job training and education programs.
- Continue and expand incentives that increase employment opportunities (Enterprise Zone, for example).
- Encourage programs of entrepreneurship for the people in the area to be part of the Roanoke's economic development strategy.

## **Infrastructure**

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### **Transportation**

Street patterns differ throughout the study area. The Harrison neighborhood has a consistent, interconnected grid system that provides good vehicular access through its streets and alleys. Due to the topography and the land use patterns, Washington Park's residential and commercial areas contain more cul-de-sacs and varying street patterns that divide the neighborhood into several smaller areas.

Orange Avenue runs through the study area along the shared boundary of the two neighborhoods. It is the main multi-lane arterial street in the area and it has the greatest traffic flow. Orange Avenue also provides access to other arterial streets in and around the neighborhood, including 5<sup>th</sup> Street, 10<sup>th</sup> Street, and Burrell Street. Moorman Road is a collector street that provides east - west traffic flow along the southern boundary of the Harrison neighborhood.

The 1995 Roanoke City Thoroughfare Plan identified and ranked two corridors in the study area with Level of Service (LOS) Ratings. The LOS ratings range from A to F. An LOS rating of "C" is generally considered the standard for an urban area and indicates that a street is experiencing an optimal rate of travel. The Orange Avenue corridor from Burrell Street to 5<sup>th</sup> Street received a rating of "C" for 1990 and a forecasted rating of "C" as well for 2000 and 2015. The 10<sup>th</sup> Street corridor between Grayson and Staunton Avenues received a "D" or sufficient rating for 1990 and a forecasted rating of "C" with intended improvements in 2000 and 2015.

10<sup>th</sup> Street is the only transportation improvement project planned for the area. Current plans call for 10<sup>th</sup> Street to remain a two-lane street with safety improvements at key intersections. VDOT has conducted several public review meetings to ensure public consideration. Proposed improvements for the 10<sup>th</sup> Street corridor include sidewalks, bike lanes, and street trees.

Opportunities exist in Washington Park to enhance connections in the street grid and promote residential development. Rockland, Marlian, Carroll Avenues, and behind Hunt Manor apartments are areas with unimproved rights-of-way. These areas should be connected with other surrounding streets.

Neighborhood residents expressed concerns about speeders and dangerous traffic conditions on 5<sup>th</sup> Street, Orange Avenue, 10<sup>th</sup> Street, Burrell Street, and Liberty Road. Residents have safety concerns on 5<sup>th</sup> Street that is known for its steep topography and blind spots. Residents also report speeding problems along Burrell Street and Liberty Road, which border Booker T. Washington Park, where many children play and teams practice. Traffic management/calming measures should be taken on major streets to reduce speeding.

### **Public Transportation**

Each neighborhood is well served by public bus routes. Valley Metro operates four routes through both neighborhoods. Currently, there are no covered bus stops in the area. Residents in the study area voiced the need for covered areas for protection from inclement weather. Most of the bus stops in the neighborhood do not have benches;

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many elderly residents ride the bus and have problems standing for long periods of time waiting for the bus. In addition, residents have raised the issue that the routes and times of the routes do not meet the needs of the people in the Washington Park area for access to jobs. Valley Metro should assess the feasibility of after-hour routes to higher density areas and major employment centers.

### **Streetscapes**

Streets generally have narrow to average widths. Orange Avenue and Burrell Road are exceptions, being multi-lane arterial streets. Vacant lots and parts of an old retaining wall fragment the streetscape along Orange Avenue. Overgrown vacant lots decrease curb appeal. Most of the smaller streets tend to have homes with even front yard setbacks thus making for a pleasant view. However, infill housing has created some inconsistent setbacks and awkward appearance on some blocks.

### **Gateways**

Gateways are important to the image of a neighborhood. *Vision 2001-2020* views gateways as important elements in defining different areas of the city. Few gateways are well defined. However, there are numerous opportunities for gateway beautification:

- 5<sup>th</sup> Street at Orange Avenue
- 5<sup>th</sup> Street at Gilmer
- Liberty Road and Hunt Avenue
- Burrell Street and Orange Avenue
- 10<sup>th</sup> Street and Hunt Avenue
- 10<sup>th</sup> Street and Orange Avenue

These areas have higher traffic flows and good exposure for people entering and leaving the neighborhood.

### **Sidewalks**

Several locations in the Washington Park neighborhood have heavy pedestrian traffic, but lack sidewalks. Examples include the 900 block of Hunt Avenue, 10<sup>th</sup> Street from Grayson Avenue to I-581, and Liberty Road near I-581.

The Harrison neighborhood is well covered with sidewalks, though some sidewalks are incomplete. Some streets, especially along Madison and McDowell Avenues, have aging sidewalks that need repairs.

### **Curb and Gutter**

Most streets have curb and gutter. However, some streets such as Andrews Road and Hunt Avenue on the west side of 10<sup>th</sup> Street lack curbing. Some residents feel that lack of curb and gutter is the reason for flooding in these areas. Where curb and gutter are not present, people tend to park vehicles so they straddle the edge of the pavement. On Rockland Avenue, asphalt curbing is used in place of a concrete curb and gutter system.

### **Street Lights**

The study area is well served by street lights. Most of the residential streets have lights on at least one side.

### **Utilities**

The study area is fully serviced with public water and sewer systems. Power and telephone lines are located above ground throughout the area.

Residents in the Harrison neighborhood area have expressed concerns that the power infrastructure needs upgrading. Residents have stated that they frequently lose electrical power during severe storms.

### **Storm Water Management**

Lick Run, which runs through the Washington Park neighborhood, is susceptible to periodic flooding during heavy rainfall. In 1985, the Shadeland Avenue area experienced flooding that involved loss of life and severe property damage. The residential uses along this street were later removed and the land became Brown-Robertson Park.

Residents expressed concern about the quality of the water in Lick Run, particularly downstream from the former landfill. Field testing performed by the Virginia Department of Environmental Quality indicates that most of the pollutants identified within Lick Run may be associated with polluted storm water runoff and improper sanitary sewer connections, rather than from contaminants that might be associated with a landfill.

Currently, the city is in its first year of the Virginia Pollutant Discharge Elimination System (VPDES) storm water program. This is a five-year program to improve the quality of storm water discharged to surface waters throughout the region. Lick Run is a priority to be addressed by this program.

The City of Roanoke is already responding to this issue by mapping discharge points along the stream and conducting inspections to identify illicit sewer connections and discharges. Sewer lines are being checked for storm water infiltration and inflow problems, which typically cause overflows during heavy rains. Roanoke is also working to educate citizens and raise public awareness about activities that might result in polluted runoff entering the stream.

### **Issues**

- Older sidewalks need repair
- 10<sup>th</sup> Street improvements
- Lack of continuous curb and gutter
- Dated utility lines and problems with power outages
- Appearance of streetscapes
- Lack of covered benches on bus stops, and lack of bus service for 3<sup>rd</sup> shift workers.
- Speeders on Liberty Road and around school bus stops
- Safety issues on major streets (i.e. 5<sup>th</sup> Street, 10<sup>th</sup> Street and Liberty Road)

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### **Policies**

- Streetscapes should be well maintained and attractive. Streets should be designed to support pedestrian, bike, and vehicular traffic.
- Safety issues on Fifth Street, 10<sup>th</sup> Street, Orange Avenue, Burrell Street, and Liberty Road will be addressed through traffic calming measures.
- Encourage greenway connections between destinations such as schools and village centers.
- Encourage timely development of the 10<sup>th</sup> Street Improvement plans.
- Maintain a continuous system of sidewalks.
- Provide a complete system of curb and gutters.

### **Actions**

- Define and target beautification projects at gateways on:
  - 5<sup>th</sup> Street at Orange Avenue
  - 5<sup>th</sup> Street at Gilmer Avenue
  - Liberty Road and Hunt Avenue
  - Burrell Street and Orange Avenue
  - 10<sup>th</sup> Street and Hunt Avenue
  - 10<sup>th</sup> Street and Orange
- Initiate beautification projects for the study area.
- Implement streetscape improvements, with priority on the following streets:
  - Orange Avenue
  - 5<sup>th</sup> Street
  - 10<sup>th</sup> Street
  - 11<sup>th</sup> Street
  - Burrell Street
  - Liberty Road
- Encourage neighborhood organizations to collaborate with Roanoke Neighborhood Advocates to encourage beautification projects.
- Improve transit stops in key areas (such as village centers) with benches and shelters.
- Establish a spur from the Lick Run Greenway to Lincoln Terrace Elementary School.
- Assess the feasibility of providing public transportation for people who work 2<sup>nd</sup> and 3<sup>rd</sup> shifts.
- Assess utility lines for repair/replacement where needed.



## **Public Services**

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Code enforcement is a major issue for residents. Many vacant lots in the neighborhood have weeds and debris. Junk cars and outdoor storage are recurring violations. Effective code enforcement is essential for future revitalization efforts and must be aggressively pursued in the Harrison and Washington Park area.

Automated solid waste collection is provided on street. Residents had few concerns about solid waste collection, except that collection vehicles periodically block the narrower streets. Recycling collection services are provided throughout the area. Participation in the recycling program should be increased to encourage overall awareness of the neighborhood's environment.

The City of Roanoke offers over 30 social service programs for people with problems stemming from lack of nourishment to lack of proper physical care. The City also offers program and grants to aid in home purchase, business building, home renovation, and repair. Many residents expressed concerns that they were not aware of such programs. There is an apparent lack of information about the public support programs offered.

### **Police**

Public safety is a priority concern of residents and is crucial to the neighborhood's future. Compared with other neighborhoods, Harrison and Washington Park neighborhoods have higher rates for police "calls for service." However, calls for service have decreased in recent years.

Residents have expressed concerns of drug trafficking and other illegal activity in pockets through out the area. Washington Park has a neighborhood watch program. More neighborhood watch programs should be part of a strategy to address issues of crime within the neighborhood.

### **Fire/EMS**

The Harrison and Washington Park neighborhoods are served by station #2 on Noble Avenue and station #5 on Loudon Avenue. Station #9 on 24<sup>th</sup> Street will serve as a backup if needed. Current response times average four minutes. Roanoke has decided to consolidate stations #5 and #9 into a single large station that includes other public services. The location of the new station is not yet determined, but will likely be in the Melrose Avenue area between 18<sup>th</sup> to 20<sup>th</sup> Streets.

The Roanoke Fire/EMS department follows a national "Resource Allocation Model" as its standard for response times. The standard is to respond to 90% of calls within four minutes.

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### **Issues**

- Recurring code violations for junk cars and outdoor storage
- Crime, especially drug trafficking
- Lack of public information about available public services

### **Policies**

- Aggressively enforce property maintenance and nuisance codes.
- Support and encourage partnership approaches with the Roanoke Neighborhood Advocates and community organizations in order to share and sustain information flow.
- Support neighborhood watch programs.
- Encourage Crime Prevention Through Environmental Design principles in new development, while respecting good urban design principles.
- Continue community policing programs in partnership with community groups to ensure clear objectives, information flow, enforcement, and community outreach.
- Emphasize prevention strategies to reduce crime.
- The Roanoke Fire/EMS Department will continue to provide excellent response to the neighborhoods. The Department will work to meet the goal of responding to 90% of calls within four minutes.

### **Actions**

- Establish Neighborhood Watch programs throughout the area.
- Identify vacant lots that have rodent infestation problems and initiate steps to address problems through a multi-agency approach that includes the Health Department, Code Enforcement, and the Police Department's Animal Control Unit.
- Continue programs that provide incentives for police officers to live in core neighborhoods.
- Initiate concentrated code enforcement efforts in the neighborhood.

## **Quality of Life**

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### **Historic Resources**

Harrison School was the first public high school built for African-American students. Located on the ground floor of Harrison School is the Harrison Museum of African American Culture. The building is an important historic landmark and asset to both the neighborhood and the community at large. In fall of 2002, the Harrison Museum announced that the museum would be relocating to Henry Street. Although the Harrison Museum is relocating, it will continue to reserve space in the Harrison School. Another historic landmark is Burrell Memorial Hospital. It became chartered in 1915 and has served the African-American community of Roanoke. It expanded to a 150-bed facility during the 1930s. Although it closed as a hospital in the early 1970s, it remains open today for several health-related institutions. Both Harrison School and the Burrell Hospital are listed on the Virginia Landmarks Register and National Register of Historic Places.

### **Schools**

Children in the Harrison and Washington Park neighborhoods attend Lincoln Terrace, Crystal Spring, Fallon Park, Fishburn Park, Round Primary, Huff Lane Intermediate, and Lucy Addison Schools. While Lincoln Terrace and Lucy Addison are located within the neighborhood, other schools are located at considerable distances from the neighborhood. Older children attend William Fleming and Patrick Henry High Schools. The Higher Education Center and Roanoke Catholic School are private educational facilities that are located in the adjacent neighborhood of Gainsboro.

### **Parks and Recreation**

The study area contains two parks and a segment of the Lick Run Greenway. Lucy Addison Magnet School houses a fitness center available to residents for a nominal monthly fee.

Brown-Robertson Park is a 7½ acre open space located on 10<sup>th</sup> Street. The park was named after Dorothy Brown and Hazel Robertson who lost their lives during the devastating flood in 1985. Currently, the park is primarily a greenway. In 2002, several community participants worked with Virginia Tech landscape architecture students to develop ideas for the park. Several concepts arose as a result of the class, and the project is now in the planning stage with the City's Park and Recreation Department.

Washington Park is a 40-acre park. Topography divides the park into upper and lower areas. The upper area features an Olympic size pool, lighted tennis and basketball courts, playground equipment, and a picnic shelter. The lower park contains a historic caretaker's house, a shelter with restrooms, a playground, and a softball field. New playground equipment was added in the fall of 1998. Residents believe that the park could be better utilized with better planning and improvements to the facilities.

In the fall 2000, a volunteer committee was formed to provide guidance for improvements to Washington Park and develop a Booker T. Washington Memorial. In February 2001, the committee submitted an improvement plan for the park, and later a concept plan was completed for the memorial. Beginning in the summer of 2003, work

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began on new picnic and rest room facilities for the park. Details are continuing to be discussed concerning the memorial concept.

The Lick Run Greenway is a mile-long bike and walking path stretching from the Valley View Boulevard interchange at Interstate 581 to Andrews Road and Court Street, near 10th Street in the Washington Park neighborhood. Valley View Mall developers donated most of the 14-acre strip to the Western Virginia Land Trust in 1999 that has since transferred the land to the City of Roanoke. In addition, the Harrison neighborhood borders Melrose Park along 14<sup>th</sup> Street.

### **Community Organizations**

Northwest Neighborhood Improvement Council area includes the entire Harrison neighborhood. Its mission is to restore and rebuild the community by means of empowerment and collaboration with other organizations in restoration projects.

The Washington Park Neighborhood Alliance is a network of residents who have vested interest in the future growth, beautification, and development of the Washington Park area.

There are six churches in the neighborhood and many have outreach services for the community. In every instance, many of the same outreach programs are duplicated in the area of services. Residents express there is a lack of information and education concerning outreach services and social needs. Area churches could play a more unified role as a conduit for information and services for the area.

Several residents noted that there is no community center within the neighborhood and residents have few places for community interaction. Residents said that a central place is needed for community activities and for distributing information to residents. Since the Harrison Museum announced that it will relocate to Henry Street, the first floor of the former Harrison School could be a potential location for a community center. Lucy Addison Magnet School is also a centrally-located resource for the community. The school is frequently used for community events and meetings.

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### **Issues**

- Brown-Robertson Park development
- Harrison Museum moving to Henry Street – future use of 1<sup>st</sup> floor of Harrison School.
- Lick Run Greenway implementation
- Need for a community center
- Washington Park improvements (handicap accessible bathrooms, sufficient picnic equipment, and improved parking).

### **Policies**

- Encourage neighborhood churches to coordinate efforts to improve the quality and range of outreach services.
- Strengthen, expand, and improve coordination with other neighborhood organizations to improve outreach services, beautification projects, and neighborhood awareness.
- Support the completion of Lick Run greenway, Brown-Robertson Park, and Washington Park improvements.

### **Actions**

- Initiate beautification projects in the neighborhoods.
- Evaluate opportunities for community center(s) in existing buildings such as Harrison School and Addison Middle School.
- Continue improvement projects for Washington Park and Brown-Robertson Park.

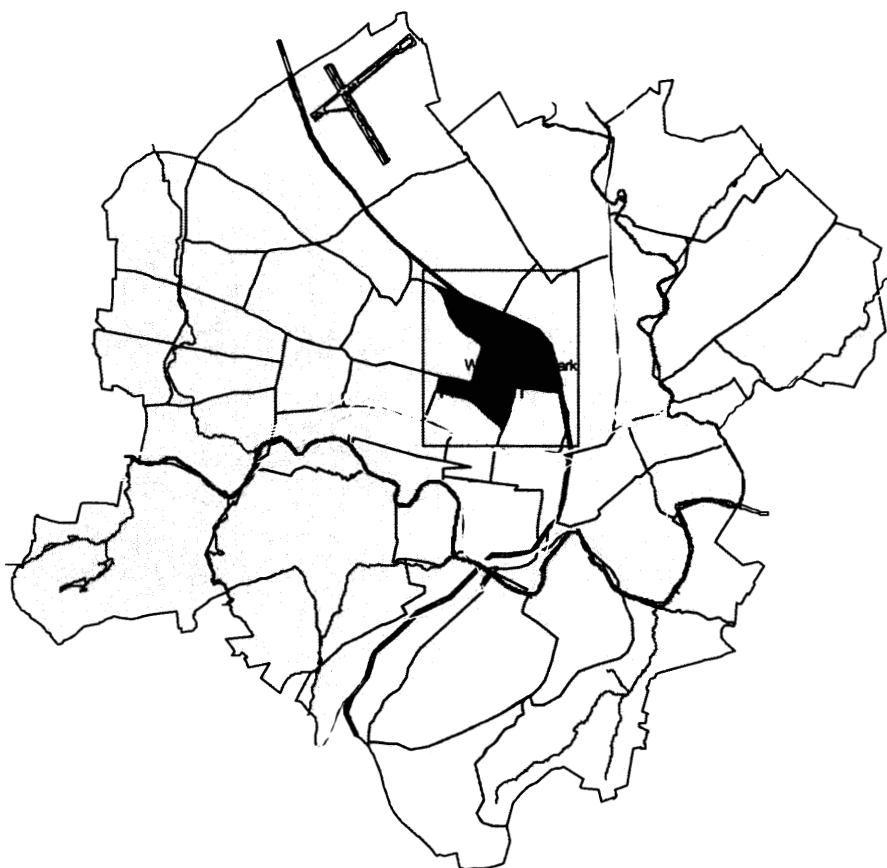
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## Implementation

Neighborhood Design District/Rehabilitation District	<b>PBD</b>	<b>1 year</b>
Comprehensive rezoning	<b>PBD</b>	<b>1 year</b>
Vacant lot development	<b>HNS</b>	<b>Ongoing</b>
Implement home-ownership programs	<b>NG / HNS</b>	<b>Ongoing</b>
Identify development opportunities	<b>NG / HNS</b>	<b>1 year</b>
Job training and education	<b>ED/NG</b>	
Neighborhood economic development initiatives	<b>ED / NG</b>	<b>Ongoing</b>
Improve gateways and streetscapes	<b>TD / NG / PW</b>	<b>1-5 years</b>
Improve transit stops	<b>TD / VM</b>	<b>5 years</b>
Assess expansion of public transportation	<b>VM</b>	<b>5 years</b>
Greenway Spur	<b>PR / NG</b>	<b>5 years</b>
Assess power lines	<b>AEP</b>	<b>1-5 years</b>
Repair/construct sidewalks and curbs	<b>PW</b>	<b>years</b>
Neighborhood crime prevention and code enforcement	<b>PD/ NG / HSN</b>	<b>Ongoing</b>
Improvements to Brown-Robertson, and Booker T. Washington parks	<b>PR / NG</b>	<b>1-4 years</b>
Develop greenway and bike trails	<b>PR / NG</b>	<b>2-3 years</b>
Address problems with vacant lots.	<b>NG / HNS</b>	<b>3-4 years</b>

**AEP:** American Electric Power ~ **HNS:** Roanoke Housing & Neighborhood Services ~ **PBD:** Roanoke Planning Building and Development ~ **NG:** Neighborhood Groups ~ **PD:** Police Department ~ **PR:** Parks and Recreation Department ~ **ED:** Economic Development ~ **PW:** Public Works ~ **TD:** Transportation Division ~ **VM:** Valley Metro

## **Roanoke City and the Harrison / Washington Park Neighborhoods**

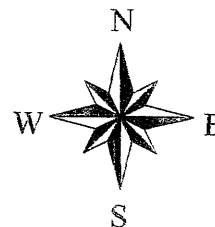


- Harrison**
- Washington Park**

# Harrison / Washington Park Street System

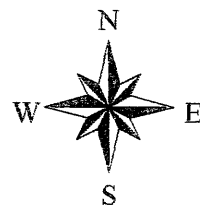


Lick Run Greenway

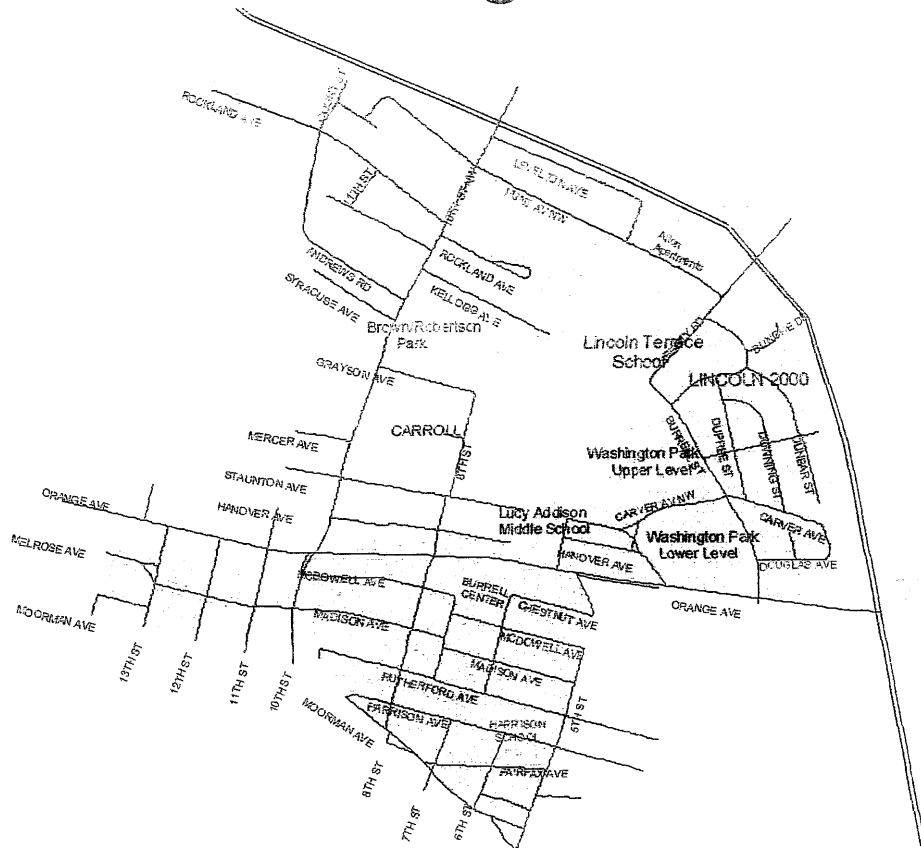




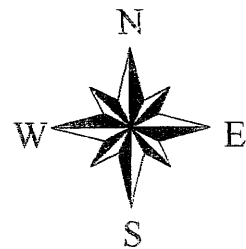
# Harrison / Washington Park Existing Land Use



# Harrison / Washington Park Zoning



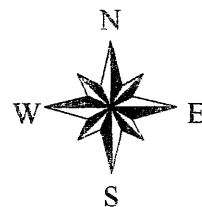
- ☐ R-S Single-family Residential
- ☐ RM-1 Multifamily Residential
- ☐ RM-2 Multifamily Residential
- ☐ C-1 Office District
- ☐ C-2 General Commerical District
- ☐ LM Light Manufacturing



# Harrison/Washington Park Future Land Use



-  Single-Family Residential
-  Single- and Two-Family Residential Mix
-  Multifamily Residential
-  Mixed Density Residential
-  Village Center
-  General Commercial
-  Light Manufacturing
-  Institutional /Religious
-  Park/Open Space



## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE approving the Harrison-Washington Park Neighborhood Plan, and amending Vision 2001 - 2020, the City's Comprehensive Plan, to include the Harrison-Washington Park Neighborhood Plan; and dispensing with the second reading of this ordinance by title.

WHEREAS, the Harrison-Washington Park Neighborhood Plan (the "Plan") was presented to the Planning Commission;

WHEREAS, the Planning Commission held a public hearing on October 16, 2003, and recommended adoption of the Plan and amending Vision 2001 - 2020, the City's Comprehensive Plan (the "Comprehensive Plan"), to include such Plan; and

WHEREAS, in accordance with the provisions of §15.2-2204, Code of Virginia (1950), as amended, a public hearing was held before this Council on Monday, November 17, 2003, on the proposed Plan, at which hearing all citizens so desiring were given an opportunity to be heard and to present their views on such amendment.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke as follows:

1. That this Council hereby approves the Harrison-Washington Park Neighborhood Plan and amends Vision 2001- 2020, the City's Comprehensive Plan, to include the Harrison-Washington Park Neighborhood Plan as an element thereof.

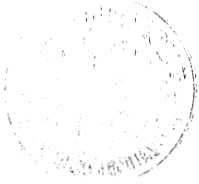
2. That the City Clerk is directed to forthwith transmit attested copies of this

ordinance to the City Planning Commission.

3. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.



**CITY OF ROANOKE  
OFFICE OF THE CITY MANAGER**

Noel C. Taylor Municipal Building  
215 Church Avenue, S.W., Room 364  
Roanoke, Virginia 24011-1591  
Telephone: (540) 853-2333  
Fax: (540) 853-1138  
CityWeb: [www.roanokegov.com](http://www.roanokegov.com)

November 17, 2003

Honorable Ralph K. Smith, Mayor  
Honorable C. Nelson Harris, Vice Mayor  
Honorable William D. Bestpitch, Council Member  
Honorable M. Rupert Cutler, Council Member  
Honorable Alfred T. Dowe, Jr., Council Member  
Honorable Beverly T. Fitzpatrick, Jr., Council Member  
Honorable Linda F. Wyatt, Council Member

Dear Mayor Smith and Members of City Council:

Subject: Request of Plantation Pipeline  
Company for Easement on City  
Property – Tax Map #4321020

Plantation Pipe Line Company has requested a permanent thirty-foot easement containing approximately 0.21 acres on city-owned property located near Tinker Creek, SE. The easement would allow the relocation of an existing valve onto city property because the current valve location is under water part of the year. As the estimated assessed value of this easement is very low, \$275.00, staff recommends that the easement be granted at no charge. See Attachment #1.

**Recommended Action(s):**

Following a public hearing, authorize the City Manager to execute the appropriate documents granting a permanent easement as described above to Plantation Pipe Line Company, such document to be approved as to form by the City Attorney.

Respectfully submitted,

A handwritten signature in cursive script, reading "Darlene L. Burcham".

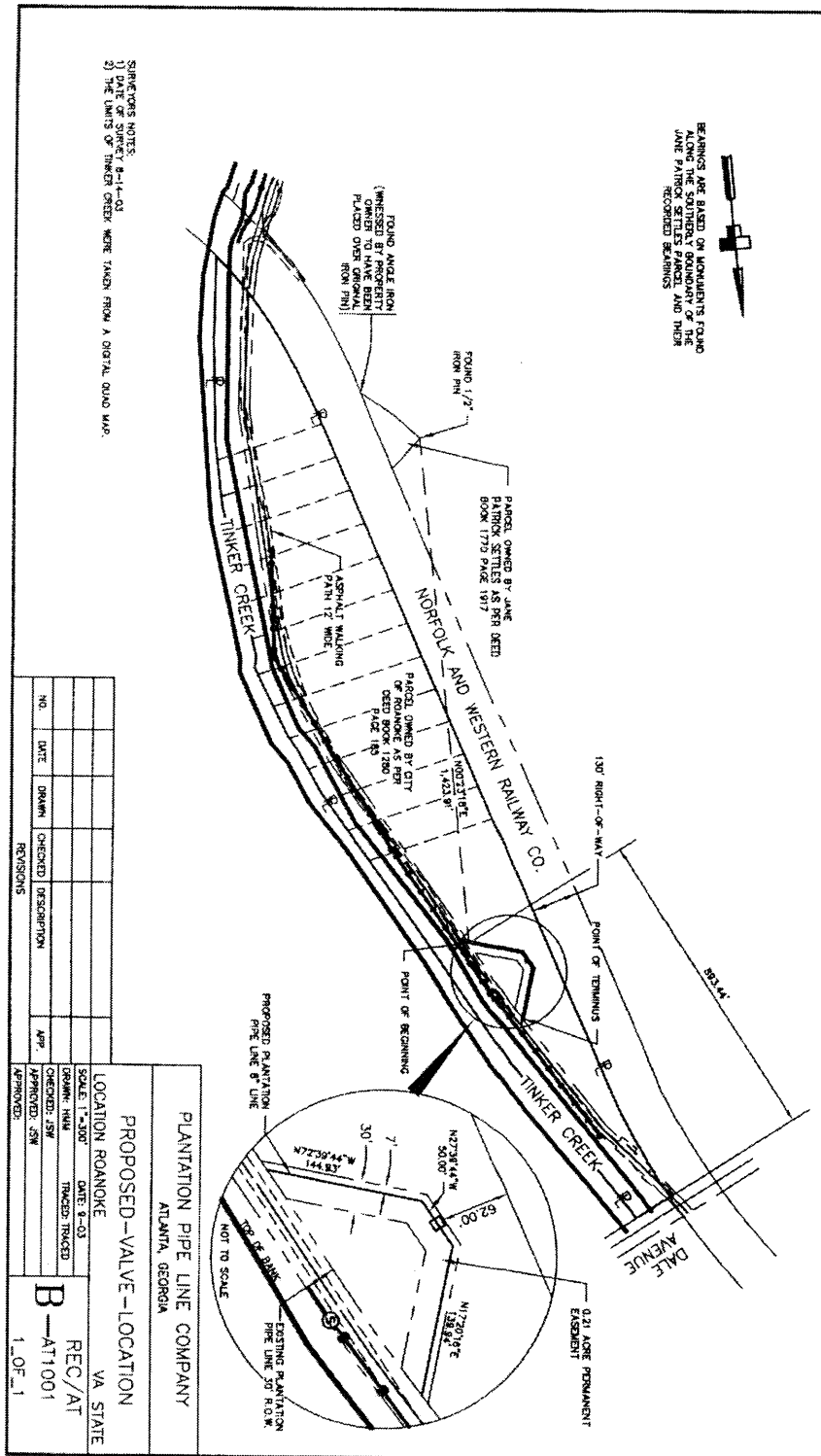
Darlene L. Burcham  
City Manager

DLB/SEF

Attachment

c: Mary F. Parker, City Clerk  
William M. Hackworth, City Attorney  
Jesse A. Hall, Director of Finance  
Sarah E. Fitton, Engineering Coordinator

#CM03-00214





## IN THE COUNCIL OF THE CITY OF ROANOKE, VIRGINIA,

AN ORDINANCE authorizing the donation and conveyance of a thirty foot wide easement containing approximately 0.21 acres, on City-owned property located near Tinker Creek, S.E., identified by Official Tax No. 4321020, to Plantation Pipeline Company, to relocate an existing valve onto City property because the current valve location is under water part of the year, upon certain terms and conditions; and dispensing with the second reading by title of this ordinance.

WHEREAS, a public hearing was held on November 17, 2003, pursuant to §§15.2-1800(B) and 1813, Code of Virginia (1950), as amended, at which hearing all parties in interest and citizens were afforded an opportunity to be heard on such conveyance.

THEREFORE, BE IT ORDAINED by the Council of the City of Roanoke that:

1. The City Manager and City Clerk are hereby authorized to execute and attest, respectively, in form approved by the City Attorney, the necessary documents donating and conveying a thirty foot wide easement containing approximately 0.21 acres, on City-owned property located near Tinker Creek, S.E., identified by Official Tax No. 4321020, to Plantation Pipeline Company, to relocate an existing valve onto City property because the current valve location is under water part of the year, upon certain terms and conditions, as more particularly set forth in the November 17, 2003, letter of the City Manager to this Council.

2. Pursuant to the provisions of Section 12 of the City Charter, the second reading of this ordinance by title is hereby dispensed with.

ATTEST:

City Clerk.